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ABSTRACT

Presented are the results of a study by the National Education Association of the experience of 43 schools in 3 selected districts (in Des Moines, Iowa; North Santa Barbara County, California; and Savannah, Georgia) in implementing Public Law 94-142 to provide a free, appropriate public education for the handicapped in the least restrictive environment. Positive aspects of the implementation are discussed, along with areas of conflict and labeling. Also discussed are problems in the areas of student testing and evaluation (such as over-referral), educational equity and access (such as weighted enrollment funding), and involvement of parents (such as the need for early parent counseling). Among the recommendations presented are the launching of a program to locate, identify, and evaluate children in need of special education services, and the elimination of group-administered, norm-referenced standardized tests. Appended are a list of steering committees from each study location and a glossary of terms used. (DLS)

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A Study Report

Education For All Handicapped Children: Consensus, Conflict, And Challenge

ED157214

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I. INTRODUCTION

"No otherwise qualified handicapped individual in the United States . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program of activity receiving Federal financial assistance."

–The United States Congress: Section 504 of the Rehabilitation Act of 1973. P.L. 93-112

"It is the purpose of this Act to assure that all handicapped children have available to them . . . a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of handicapped children and their parents or guardians are protected, to assist States and localities to provide for the education of all handicapped children, and to assess and assure the effectiveness of efforts to educate handicapped children."

–The United States Congress: The Education for All Handicapped Children Act of 1975. P.L. 94-142

The great civil rights movement of this century is widely regarded as having reached its peak of activism and accomplishment during the 1960's. The assassination of Martin Luther King in 1968 and the escalation of the Vietnam War during the early 1970's, it has been said, marked the end of the civil rights revolution and heralded the beginning of a second post-reconstruction period in America.

The drama and high rhetoric of civil rights activism are indeed no longer with us, but the principles of social justice expressed by civil rights leaders during the 60's, the actions they took and the legislation and court action they initiated were seminal in effect. The result has been, not the end of a civil rights movement, but the continuing extension of the struggle for civil and human rights to many different groups who have been victimized by unfair discrimination. Among these are the more than 35 million handicapped Americans who comprise perhaps the quietest minority group of all—and the one most cruelly neglected.

The two laws cited above give promise that past inequities may now begin to be corrected. Section 504 of the 1973 Rehabilitation Act is a civil rights act, grounded in the precedents established by court rulings and civil rights laws of the 1960's. It not only prohibits discrimination in federally assisted activities, but it requires specific remedies to counter the effects of past discrimination and specific accommodations to ensure that handicapped people have access to equal employment, educational, and other life opportunities. Further, Section 504 calls for a new kind of school integration in its requirement that handicapped students must be educated in "regular" classrooms with nonhandicapped students to the maximum extent appropriate to their needs.

The Education for All Handicapped Children Act (EHA), Public Law 94-142, and the HEW Regulation to Part B of the Act, provide a detailed blueprint for school system compliance with requirements of Section 504. At the time of the writing of this report, all states but one have submitted compliance plans to the Bureau of Education for the Handicapped (BEH), the federal agency charged with monitoring implementation of the law.

Purposes of the Study

Among the notable features of Public Law 94-142 is that its passage in 1975 was so little noted by so many of the people whom it will most affect. There has been no more revolutionary development in public school education since the Supreme Court in 1954 declared segregated schools to be inherently unequal and established education as a right that, if provided by the state to any children, must be provided equally to all children. But compared with the widespread and impassioned response — pro and con — to the *Brown* decision, public and professional reaction to this landmark legislation has been muted.

The decision to conduct this study, under the sponsorship of NEA Human and Civil Rights was motivated by recognition of the following aspects of Public Law 94-142:

- Its profound significance for teachers, and for all students—those who have obvious handicapping conditions and those who do not.
- The complex procedural demands of the law, its several apparent ambiguities, and the challenges it presents to the judgment and sensitivity of all those who will be responsible for balancing the various interests that will be affected as its provisions are carried out.

The study proposal, approved by the executive director of NEA, contained the following statement of purpose:

> A study of the actual experience of school districts in carrying out the provisions of state or local laws similar to the federal legislation — an analysis of what seems to be working, and what is clearly not workable — could, if given national exposure, be of benefit to all concerned in providing information that will —
>
> - Give parents, the general public, and critics of schools some understanding of the vast complexities of this new, untested kind of integration, of the difficulties teachers, and all school personnel have to surmount in trying to meet the "special" and "unspecial" needs of all children, and of the kinds of support, facilities, and specialized training that must be provided if educational benefits are to be achieved.

- Provide teacher groups and school districts with practical examples of the benefits and the limitations of the placement of handicapped children in regular classrooms, i.e., mainstreaming, and the pitfalls to be avoided in carrying out this and other requirements of the legislation.

No individual and no organization professing a commitment to social justice could take issue with the broad outlines of the law, the significance of which, as one writer has said, "is that now the nation must stop rationing citizenship, must stop allocating to the handicapped only as much as is convenient."*

The fact is, however, that P.L. 94-142, and its state and local counterparts, provide another example of a noble and humane ideal resulting in massive new responsibilities being laid on the already overburdened public schools. Teachers are understandably concerned that, once again, they will be held accountable for educational results, although they have had little or no control over the many variables that made those results inevitable.

The intent of the case studies is to produce an honest, objective report of exactly what is happening in several school districts as they implement programs for a free, appropriate public education for the handicapped in the least restrictive environment. It is hoped that this report will help to inform the public, teachers, and school officials more fully about the prospects and problems of these programs; and, further, that it will help to increase the level of trust among the public school system, its personnel, and its public.

Selection of Study Panel

The NEA, as an organization of teachers, is directly and vitally concerned with the effective implementation of Public Law 94-142 in such a way as to protect the interests of both teachers and students. Other organizations, in serving the interests of their constituencies, are equally concerned. Recognizing this and believing that fairness and accuracy in the study could best be achieved through the selection of panelists who would bring to the project a variety of perspectives and experience, the NEA invited several national organizations to nominate members to participate in the study project. These organizations were the Council for Exceptional Children, the National Association of the Deaf, and the National Associations of Secondary and Elementary School Principals. Also nominated were two parents of handicapped children, each representing a locally-based advocacy organization. Final appointments to the ten-member study panel were made by the NEA president from these nominees and from the NEA Teacher Rights, Human Relations, and Instruction and Professional Development Committees. A listing of panelists and staff assistants appears at the beginning of this report.

*Will, George, "Sympathetic Justice." *The Washington Post*, May 5, 1977. Washington, D.C.

Study Procedures and Locations

The on-site phase of the study was in the form of open meetings conducted by the panel, with staff assistants, in three locations in the country in states having legislation basically similar in intent and content to P.L. 94-142. Central criteria for site selection were (1) that the study would focus on districts that have had several years' experience in implementing a state plan for education of handicapped children; (2) that there would be a balance of urban and rural areas among the three locations; and (3) that significant proportions of minority students would be included in the study.

Before a final decision was made on the potential study locations, NEA staff consulted with state and local affiliates and school officials for the purpose of seeking organizational and school system governance support. In all but one instance (p. 9), such support was willingly offered and is gratefully acknowledged.

The open hearings, each three days in duration, were held during the months of October, November, and December 1977. Among those interviewed were teachers, administrators, school board members, representatives of community groups concerned with education of the handicapped, parents of handicapped children, students with and without handicapping conditions, legislators, state school officials, and college and university specialists in the area of special education. In addition to hearing testimony, the panel members, divided into teams for one morning at each study site, visited schools and classrooms where special education instruction was being carried out in various public school environments.

Among the 43 schools visited at the three sites were special education schools (including day schools for severely and profoundly handicapped children), residential treatment centers, and regular elementary and secondary schools with separate special education classrooms. The elementary and secondary schools generally included varying arrangements for placement of handicapped students in regular classrooms. Approximately 100 people were interviewed at each location, either in the open or closed meeting sessions or in informal visits at the schools.

The on-site locations and dates are listed below, together with a description of the organizational arrangements for delivery of special education services, and a brief summary of the particular points of emphasis at each location.

October 23-26	***Des Moines, Iowa***	***Heartland Education Agency***

The Heartland Education Agency (HEA) is one of 15 state intermediate units in Iowa charged with testing and identifying children in need of special education and providing technical support to the special education programs operated by the school systems within its jurisdiction. The HEA service area (Area 11) ranges over 11 counties in central Iowa and contains 63 local school districts. Approximately 40 percent of the popula-

tion are in rural areas, with the remaining 60 percent being fairly evenly divided within urban and suburban communities.

Panel members visited schools in four HEA school districts — Des Moines, suburban West Des Moines, and two rural districts, Adel-Desoto and Indianola. Most of the teachers, administrators, and parents interviewed were from these four districts.

At this location, the panelists' attention focused on the particular problems of rural isolation — the difficulties of providing transportation and of hiring and retaining qualified staff to meet the special needs of handicapped students.

November 27-30 Savannah, Georgia — Savannah-Chatham Public Schools

Special education services are provided by the local education agency, the Savannah-Chatham County School District. Savannah is also the headquarters for one of the 16 regional learning resource systems in the state. These special education service agencies, supported by both state and federal monies, are part of a national network of media/material resource centers. The Georgia Learning Resource Center provides inservice special education training and diagnostic and prescriptive referral services for severely and multiple-handicapped children. The basic delivery of special education services in Georgia, however, is the responsibility of local school systems.

Savannah is the only study location where a racial minority comprises a majority of the total school enrollment. Of the 34,000 students enrolled in the city-county school system, approximately 55 percent are black.

A central consideration of the inquiry in Savannah concerned the educational problems confronted by poor and black children, many of whom live in segregated areas of the inner city. The panel sought to obtain information and points of view about the validity of various means of evaluating students and categorizing their special needs, and about the use of standardized tests to make such determinations.

Since Savannah was also the only district studied where teachers do not have the right to bargain collectively, another focal concern had to do with the kinds of influence that teachers can bring to bear, in the absence of bargaining rights, on the complex decisions that must be made in carrying out the provisions of Public Law 94-142.

December 11-14 North Santa Barbara County, Calif. — Santa Barbara County Public Schools

The county school system is known as the local responsible agency (LRA) having authority to coordinate services under the California Master Plan for education of handicapped children. Santa Barbara County, one of 10 pilot project master plan districts in the state, is now in its third year of operating as such under the state law for education of the handicapped.

Within the jurisdiction of the county agency are 24 independent school districts, ranging in size from 42 students in a one-room school to the 17,000 enrolled in the Santa Barbara city district.

Each district has its own independent board of education and administration; and the larger districts of the county also operate their own departments of special education, but these departments are subject to the authority of the LRA. The county stretches 100 miles north to south. The northern and southern sections, in effect, operate as two separate areas for delivery of special education services under the master plan.

The NEA panel visited schools and heard testimony from educators, parents, and community leaders in four North County districts: Lompoc Unified School District, Santa Maria Joint Union High School District, Santa Maria Elementary District, and Orcutt Union Elementary District. Enrollments in these districts range from under 4,000 in Orcutt to over 10,000 in Lompoc. A fifth school district, Guadalupe, was originally included in the Santa Barbara on-site study. However, between the time of the first NEA staff visits to the area and the date of the study itself, there was a change in the Guadalupe administration. Although there was community support for the NEA Study, the new superintendent, unlike his predecessor, was openly opposed to the study; and in November 1977, the Guadalupe School Board voted not to provide information to the panel or to permit panel members to enter the Guadalupe schools.

The two schools of the Guadalupe system were of particular concern to the panel because this is the only district in North Santa Barbara County in which the Chicano population is predominant. Ninety-five percent of the students enrolled in the Guadalupe elementary and junior high schools are Spanish-speaking. The other four districts have less than 30 percent Chicano enrollment.

Although no visits were made to Guadalupe, several people from that district came to Santa Maria to meet with the panel. Information about special education services in Guadalupe was also obtained from county school officials and from teachers of high school students who are bused into Santa Maria from Guadalupe, which has no high school.

In Santa Barbara, as in Savannah, the NEA panel directed particular attention to the schooling of the minority students. The issues of testing and evaluation were examined as they relate to Chicano students, including migrant students, whose cultural and language differences from the dominant culture and language of the public schools have resulted historically in their tragic mislabeling and misplacement in separate and unequal special education classes.

* * *

There is no intention to portray these school districts as being typical of school districts in their states, or elsewhere. In fact, at the end of the last on-site meeting, panel members discussed the extent to which the vari-

ous school systems visited should even be identified in the report. Consistently, however, the direction of this study has been one of openness. Unless witnesses requested otherwise, all interviews were conducted in an open forum setting because the issues of the study are matters of legitimate public concern, deserving of public discussion and scrutiny. There can be little point, at this reporting stage of the project, in avoiding identification of the school study locations. But it cannot be overemphasized that the significance of the study is not in the names of the people interviewed or the school systems visited. Rather, its significance is in the issues that were raised and the experiences reported — both good and bad — by people in each area who have been deeply involved in carrying out the provisions of law for education of handicapped children. In discussing its findings in the following sections of this report, therefore, the NEA panel will identify the school districts and locations only as such identification is necessary for clarification of matters being discussed.

Central Issues

Public law 94-142 is, in effect, a bill of rights for the more than eight million handicapped children* in the United States today, half of whom, according to the findings of Congress in 1975, have not received appropriate educational services, and one million of whom have been excluded entirely from the public school system.

The fundamental rights that it guarantees to all handicapped children — the heart of the law itself — are:

- The right to a free appropriate public school education, including the variety of educational programs and services that are made available to nonhandicapped children, such as art, music, industrial arts, and consumer, homemaking and vocational education, and nonacademic services and activities such as counseling, transportation, medical services, and recreational activities.
- The right to be educated in the least restrictive environment; i.e., with nonhandicapped children to the maximum extent appropriate.
- The right to physical education services, specially designed, if necessary, to meet the particular needs of each child.
- The right to be placed in a private school or residential setting if such placement is necessary to provide appropriate special education and related services and to have non-medical care and room and board provided at no cost to the parents of the child.

All other aspects of the law have to do with ways and means of achieving these educational goals — financial, procedural, and programmatic — at each governmental level. This study is primarily concerned with the experience of local education agencies in meeting their procedural and programmatic obligations under the following major areas of the law:

- Development of an individualized education program (IEP) — including provisions for parental and teacher involvement in this process.
- Inservice training of general and special educational instructional, related services, and support personnel.
- Meeting of timelines and priorities as established by P.L. 94-142.
- Provisions of educational services — including transportation services.
- Definition and determination of least restrictive environment — including design of continuum of alternative placements.
- Development of procedures and materials for nondiscriminatory evaluation and testing of students.
- Establishment of due process procedures for parents and children — including methods and effectiveness of communication with parents and students; hearing rights and procedures.
- Progress in removal of barriers preventing access of handicapped students to full educational opportunity goal — including barriers of architecture, language, culture, and attitude.

The findings of the panel, contained in the next chapters of this report, will be concentrated in these areas of local responsibility. Financing of special education programs and state direction, monitoring, and technical assistance will be considered, not as separate entities, but only as they support or fail to support the various aspects of local program and procedure.

Boundaries and Caveats

It is important to define the limitations of this study and to mention briefly the kinds of judgmental attitude that the NEA panel has sought rigorously to avoid.

Although the panel members have carefully considered all that they saw and heard at each location, they have not attempted to evaluate instructional methods or to draw invidious comparisons among teachers, administrators, schools, or school systems. The intent of the study report is not to criticize pedagogical techniques, but rather to point out the conditions and attitudes that must prevail if teachers are to be effective in their relationships with students — those with and without obvious handicapping conditions — and if the rights of all parties to the educational process are to be honored.

Throughout the study project, an effort has been made to avoid easy generalities regarding the attitude, aptitudes, and natures of handicapped individuals; instead, the panel has sought to distinguish among the differing needs imposed by different disabilities.

It is also important to note that the focal issues of this report concern *process*, rather than *program*. The NEA panel has concentrated on factors influencing a hand-

*This estimate includes children between the ages of 3 and 21 years who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, multiple-handicapped, or children with specific learning disabilities who, because of those impairments, need special education and related services.

icapped child's *access* to an appropriate public school education, rather than on the components of the educational program. The panel did not attempt to evaluate programs or facilities in the various locations. To have done so would have consumed more time than was available and would not have been relevant to the purposes of the study.

It is hoped, therefore, that the reader will understand that the absence of detailed reference to vocational, physical education, therapeutic, and other components of educational programming does not imply indifference to these crucially important aspects of an appropriate education for handicapped children. Even the brief school visitations of the panel, and the testimony received, made it abundantly clear that there are deficiencies in the quality and quantity of educational programs and services available to handicapped children. In no area are these obvious deficiencies more severe than in vocational education, physical education, and occupational and physical therapy. A comprehensive evaluation of these programs in a sampling of public school systems, with recommendations for improvement and means of financing those improvements, would be a worthwhile subject for another study project. In this study, however, the emphasis is on the procedural and attitudinal barriers to equality of educational opportunity, rather than on the content of appropriate educational programming for handicapped children.

One final thing that this report will not contain is all the answers.

Perhaps more questions will be raised than answered. The panel's objective, however, will be to describe with honesty both the positive and negative aspects of school system practice in implementing P.L. 94-142. Where there are issues that need further exploration, these will be defined. Where it is possible to make constructive recommendations, based on study findings, to parent groups, school systems, federal agencies, the NEA, or other organizations, these will be set forth in the hope that they will be of value in the effort that must be joined by all concerned groups if the promise of P.L. 94-142 is ever to become reality.

II. CONSENSUS AND CONFLICT

Positive Aspects of Implementation

"I see children being placed and served who never before fit into some exact niche, so they couldn't be placed . . .

"I also see . . . as the program has expanded, we are identifying students who never before came to our attention, or whom we couldn't serve because the program base was too limited in numbers. It's like peeling off more and more layers so we can begin to serve students who can be assisted.

"In the past, too frequently, special education was just a holding place for some students for their entire years in school . . ."

– Elementary school resource specialist and mother of handicapped child

"This legislation is beautiful . . . I think it's one of the best things our country has done, and it will point out to the rest of the world – or to the best of the world – that we really put our money where our mouths are . . . in providing a right to education. However, it's very important that we become very, very concerned about the quality, the competency, of those who are actually going to provide the programming for these youngsters."

– University coordinator of special education

"I see P.L. 94-142 as a shock treatment approach to correct an injustice that has been going on for too long. History has shown us that after people recover from the initial shock of something, it's amazing how they can mobilize to really meet the requirements of legislation and correct injustices.

"What has to happen are some very fundamental changes – in funding, in administrative structure, in policies, in pupil-teacher ratio, in our approach to staff development . . . In order to comply with this legislation we will have to make some radical changes.

"The question is . . . the people who have policy-making responsibility, are they going to meet this challenge? Are they going to make these radical changes?"

– State education association staff member

"What is really needed is a revolution of education to design educational services based on the children's educational needs and not on the basis of budgetary and organizational kinds of design."

– Regional special education director

With near unanimity, those who met with the NEA panel at each study location expressed support for the intent of P.L. 94-142 and for its vast potential, not only to improve educational opportunities for handicapped children, but to bring about general educational reform.

Many questions were raised about the capability — financial and otherwise — of the public schools to meet the requirements of the law, but few questions were raised about the merits of the law itself. There were many criticisms of the quality of educational programs for handicapped children, but even the harshest criticism was tempered by the acknowledgment of striking improvement in those programs since enactment of P.L. 94-142 and development of the current state programs for special education.

Parents at one location spoke of years in the recent past when there was no planned scholastic program for their mentally retarded children who, they said, had been provided with little more than babysitting service. They recalled that before 1970, the school system had refused entrance to almost all Downs Syndrome children without even testing them. Improvements had been made, they said, although the space and the facilities available at the special school attended by their children were still far from adequate. One parent commented:

"Our hopes for Public Law 94-142 are great. Individualized education programs have been done for each of our children, and we do see where these have helped in their education. Although we do see more improvements, we all feel that maybe our children, because they are older, their chances for a well-rounded education have been greatly diminished by years of nothingness.

"But we have high hopes for the young mentally retarded students who will have the opportunity of every educational advantage because of this new federal law."

Parents in this and other districts spoke positively of the opportunities they now have to be involved in planning educational goals and objectives for their children.

In every location, the panel was told of changing attitudes, particularly among the children themselves: the emergence of a new self-reliance in handicapped children who are removed from the shelter of a separate school environment and placed, for varying amounts of time, in regular classrooms; the growing acceptance on the part of "normal" children of the ways in which handicapped children are different; and, perhaps most important of all, the beginnings of recognition by both the handicapped and nonhandicapped children that those differences can mean less to their relationship than the many human ways in which they are alike. One high school senior, who is enrolled in a program for multiple-

handicapped students and is also participating in a number of mainstreaming activities, told the panel —

"When I started mainstreaming, I was nervous, mostly like anyone else. I had knots in my stomach. I was scared the kids were going to shy away from me, but I found out it was different. I really got to know the seniors more than I did others, because, I guess, they were more mature . . . Then I started going to the football games, and that is where I met a lot of other people, and they really had a friendly attitude. They would just come up to me and ask me to do things with them, or ask me to help them. I have had students come up and ask me, 'How do you do this?' And I never had this before.

"About my sophomore year we had a vocational teacher. He talked to me and said, 'You've got to plan out your career. You've got to set some goals.' I said, 'Well, my first goal is going to be graduate from high school, and then my second goal is, I'm going to plan to go to college.' And he said, 'You've got to work at it.' And so he got us an afternoon job. It paid a little bit of money, but that wasn't the thing of it. I needed the experience. This working, getting out and meeting different people – this teaches you how to have responsibility, how to mingle with other people. It teaches you how to cope with everyday life.

"And finally in my junior year I set my goal for my career in my life. I wanted to be an accountant. I am taking a course in accounting as Bob (non-handicapped classmate who also met with the panel) says. Bob helps me, and I help him. Now I am going to take the SAT test. I am really headed for college and I think I am going to make it."

Areas of Conflict

If expressions of support for a law could be taken as signaling its prompt and full implementation, one would expect that very soon the barriers to equality of educational opportunity for handicapped children would be removed. But those barriers are not likely to come down so easily. The most talked about problem is the lack of money to provide an appropriate education for all handicapped children — not only for the mildly mentally retarded and the physically handicapped children of obviously unimpaired intellect, but also for those severely and profoundly disabled children to whom education may mean something as elemental as learning to feed oneself, to hold up one's head, or to communicate in the most rudimentary manner.

The money problem is a severe one, but probably not the most severe. The barriers that will be hardest to bring down are those that involve human attitude and bureaucratic inertia. No amount of money is going to cure the human ailments of prejudice against and withdrawal from those who do not fit some vague standard of "normalcy." No amount of money is going to infuse state departments of education, public schools, and other related agencies with the flexibility, openness, and responsiveness necessary to work effectively with each other, with parents, and with students, in meeting the mandates of the law.

The language of the administrative regulation for P.L. 94-142, and the procedural provisions of the law itself, reflect the effort of the authors to take into account these imponderable factors of bureaucratic and human frailty. The result of that effort is a law of tortuous complexity, described by one witness as "personifying the statement of good news and bad news." In fact, much of the testimony received by the panel tended to strengthen the impression that many positive aspects of the law have, on the other hand, a potentially negative impact on someone. And the negative and positive consequences of carrying out the law may both ultimately affect the child for whom it was written. For example —

> The writing of individualized education programs (IEP's) for all handicapped children and the involvement in that task of teachers who will have responsibility for implementing the IEP's are important steps for school systems to take if they are to be fully responsive to the unique needs of each child.

But on the other hand –
The amount of time required to write, confer about, review and evaluate the IEP's for all the children who need them tends to reduce the time that teachers can spend with those children, thus jeopardizing the purpose of this provision – to meet the unique needs of each child.

> The due process safeguards of the law, involving the right of parents to participate in the planning of IEP's, to be fully informed of the educational activities of their children, and to consent to or challenge school system evaluation and placement decisions are essential protections against institutional violation of each child's right to an education appropriate to his or her needs.

But on the other hand –
These due process requirements threaten to choke the already over-paperworked system with a maze of consent and report evaluation forms and to consume inordinate amounts of professional staff time, once again seriously curtailing the time available for direct student-teacher contact.

> The law clearly directs school systems to get immediately to the business of meeting the children's needs: Its 1977-78 priorities are to provide free appropriate public education (1) at least on an interim basis to children who have not been served (first priority children); and (2) to the second priority children, those with the most severe handicaps in each disability category who are receiving an inadequate education; and (3) to meet the other requirements of the law, including the training and acquisition of staff. During 1977-78, Part B funds

may be used for staff training and acquisition purposes only if all first priority children are being served on an interim basis. The regulation theorizes there will be no second priority children after school year 1977-78, since they will all be provided a free appropriate public education by September 1978.

But on the other hand –
Without adequate numbers of qualified staff, it is not practically possible to provide an appropriate education to meet the varying needs of either the first or second priority children during the 1977-78 school year – which means that some second priority children will still be waiting for that education in 1978-79 . . . and perhaps for more years than that.

These are but three of many similar kinds of conflict that school systems are confronting this year and will confront next year as they move further toward implementation of the full service goals of P.L. 94-142.

Mainstreaming and Categories — Coming to Terms With Terms

". . . My first period class now has three students with major learning disabilities, and I am not counting those who can't read, and I am not counting those who can't write . . . In that same class I have three students who I consider artistically talented. They need more stimulation than the average child. And the rest are the mainstream.

"I have a class late in the afternoon that is made up of two very emotionally disturbed and two retarded students, and a total of nine more – in a class of 18 – who are handicapped in some major learning pattern. In other words, they have very short interest spans, or they climb, they hit, they are disturbed in some way like that. They have a long history of either absenteeism or something on that order. So in my workload as an art teacher, I am magically supposed to be able to do anything with them. Therapeutically even.

"And these numbers, you see, are doing me in."

– Seventh and eighth grade art teacher

"Mainstreaming is like integration. Integration is great, but use somebody else's child to get the lumps on their head. That's how I saw it as a parent. I was all for mainstreaming, but I wanted someone else to go out there and take the lumps and get everybody accepting, and then I'd be glad to run my child into the system that had already begun to accept these special ed children."

– Parent of retarded child and school principal

"I know of one system where the teachers keep coming to me and saying, 'They're going to mainstream all of the trainable mentally retarded (TMR) children next year.' I keep assuring these teachers that's not true, but they are firmly convinced, and there's great fear in the minds of those teachers."

– Chairman of a state advisory council on P.L. 94-142

"We do not want our children mainstreamed because we feel that this would be detrimental to them now. We would like to see our children placed in a special school ideally located on the premises of a normal school . . . so that they would be protected, but not completely segregated from normal students.

– Parent, speaking for herself and group of parents of mentally retarded children

Mainstreaming is the shorthand word that has come to be equated with the least restrictive environment provision of P.L. 94-142. Careless usage of the word has given some the impression that implementation of the law will mean the sweeping elimination of special education classrooms and placement of handicapped children — with little thought for their special needs — into regular classrooms. No such action is intended by the law. What is intended is that never again may special education schools or classrooms be turned into educational dead-ends for children. Three key words govern all aspects of the education of children with special needs. They are *access*, *equity*, and *appropriate:* handicapped children shall have *access* to educational opportunities *equal* to those provided nonhandicapped children; and, to the maximum extent *appropriate* to their particular needs, they shall be educated with nonhandicapped children. When there is a decision to place a child in a separate special education environment, the burden of proof is on the school system to show that this decision is based on a fair and nondiscriminatory evaluation of the child's needs. It must be shown that the nature and severity of the child's handicap is such that an appropriate education in regular classes, even with the use of supplementary aids and services, cannot be achieved satisfactorily.

Thus, while the word "mainstreaming" does some damage to the precise meaning of "least restrictive environment," it is a convenience term that is not likely to disappear; and, in fact, it succeeds in conveying the sense of P.L. 94-142 — that children who are handicapped may no longer be shunted aside and closeted away. The time has come for them to be part of, and to contribute to, the real world of the classroom and the community.

Without question, mainstreaming is inappropriate for some children with special needs; for some children it is appropriate only for certain activities and for periods of brief duration. For some children, placement in regular classrooms is not appropriate at all — a condition that is recognized in the HEW analysis of the regulations for Section 504 of the Rehabilitation Act of 1973, in which it is stated —

"where a handicapped child is so disruptive in a regular classroom that the education of other students is significantly impaired, the needs of the handicapped child cannot be met in that environment. Therefore, regular placement would not be appropriate to his or her needs."

Further, for some severely and profoundly handicapped children, placement in a sequestered environment may be the only reasonable alternative. But this does not mean that they should not be given the opportunity to learn as much as they can of self-care and awareness of themselves and others.

The school systems included in this study all are operating under state plans that provide, as P.L. 94-142 requires, a continuum of alternative placements for handicapped children. The structures are basically similar in the three locations. They include —

Regular classroom placement for majority of instruction *– with support of resource and itinerant teachers and with supplementary services provided by various specialists such as therapists, vision consultants, and audiologists.*

Self-contained classroom placement for majority of instruction *– with some degree of mainstreaming for varying periods of time and activities.*

Self-contained classroom placement for all instructional time *– may include some integration with nonhandicapped students for specialized classes or extracurricular activities.*

Special school or learning disability center placement. *In some instances these separate schools are located on or adjacent to the campus of a general education school, permitting integration of students for some activities – usually, but not always nonacademic.*

In order to determine appropriate placements and educational services, it is necessary for school systems to engage in a practice that P.L. 94-142, and all advocates of handicapped children, attempt to discourage: It is necessary for school systems to categorize the various handicapping conditions — to attach labels to children. A school psychologist in one of the locations deplored this practice when she said:

"It is an odious exchange when children must become the recipients of labels in return for an appropriate educational program. The definitions of the various handicapping conditions are set forth in the Department of Public Instruction's ***Rules of Special Education.*** *But let us not pacify ourselves with the illusion that these are clear cut, mutually exclusive categories that can be reliably measured by standardized instruments of evaluation.*

"The handicapping condition certified for a child and the recommended placement may be influenced by the following factors: the child's physical appearance; personality characteristics or size in relationship to age; the presence or absence of particular members of a staffing team; the school building or class in which the child is enrolled; the physical location of a particular special education program or class; which of the special education classes or programs has a current opening; the presence or absence of consultants representing the different handicapping conditions; the school staff's relationship with the parent; the educational, social, and/or political status of the parents; the parents' knowledge of the rules of special education; their verbal ability; and their degree of insistence that the rules be followed.

"Although it has been explained to us that we are not labeling children when we certify a handicapping condition, it seems more wishful thinking than truth. As professional educators we commonly refer to a child in the fifth grade as a fifth grader. And so it is that children certified as having a learning disability or emotional disability are referred to as L.D. or E.D. students. The vernacular labels of the playground and neighborhood tend to be more pejorative."

The stigmatizing effect of labels and the fallibility of various means of testing students in order to arrive at such labels will be discussed in a later section of this report. The fact is, this is yet another example of the dilemma facing those responsible for providing special education as they attempt to resolve the perpetual conflict between the ideal of what is right and fair for children, and the pragmatic necessities involved in even beginning to meet their special needs.

Panel members found themselves having to learn new languages of special education in each section of the country. In order to avoid confusion of terminologies, when it is necessary in this report to differentiate among the various handicapping conditions, the panel will use those terms that are listed in Appendix B.

Worth noting, however, is a practice adopted under the California Master Plan, which attempts to avoid excessive labeling and to group children in fairly broad categories according to their learning needs. These groupings are: learning handicapped (LH), including children with mild mental retardation, emotional, and behavior disabilities; communicatively handicapped (CH), including children with speech, language, and other communication disabilities that are not severe; physically handicapped (PH), including visual and orthopedic disabilities; and severely handicapped (SH), which includes all the severe and profound multiple-handicapped children.

No consensus seems to have been reached in California on whether this grouping system is accomplishing its avowed purpose — to avoid the stigmatizing effect of excessive labeling, or whether it is simply a superficial device without educational value. Some special education teachers expressed the opinion that placing mentally retarded children with children who have emotional or behavior problems is not in the best interests of any of those groups since their needs

are different and cannot be treated effectively in the same classroom. And there was another, opposite view, which one teacher expressed —

"My personal opinion of the LH class is that I really like it. I like having low functioning students with behavior problems or emotionally disturbed, or just the learning disabled. The lower functioning kids see that they can do better. The higher functioning kids see that they're not as bad off, and I just like the combination."

It is perhaps significant that at least one teacher who was not in favor of the mix of children in LH classes also expressed a very cautious view of mainstreaming, whereas the teacher quoted above reported that she had mainstreamed, for various classes, all of the children in her LH class and she was enthusiastic about the results.

The fact is that we live in a world of labels, and nowhere are they more difficult than in the world of special education. It is necessary to identify and differentiate among the diverse needs of children and to communicate those differences if the children are to be served at all by education.

The answer, perhaps — if there is an answer — is not to worry so much about the labels, but to concern ourselves with helping grown-ups and children learn different attitudes about the people who have different handicapping conditions, and not to define those people by their disabilities, but to respect them for their abilities, their personalities, and their humanity.

III. CHALLENGE

Student Testing and Evaluation

"In Copper County, something that was not regular was irregular. Special education was separate in a bad way, so it was bad to be irregular and good to be regular. People who were irregular were punished by removal, as any kid in the school system knew, whether grownups intended it that way or not.

"There were regular children, regular teachers, regular classes, and regular schools. Special children, special teachers, special classes, and a special school. If separate teachers were special in a negative way, special was bad. So nobody wanted to be special.

"Regular implies that there are a whole lot of children who fit into some standard mold and are therefore more desirable people than the irregulars (who will, they hope, become regular someday). Somehow, the choice of that word doesn't seem to be any accident. It's a rather powerful label in itself."

– Kate Long, ***Johnny's Such a Bright Boy, What A Shame He's Retarded. In Support of Mainstreaming in Public Schools.*** Houghton Mifflin Company, Boston, 1977.

"In psychology, we are being intensely challenged by the general idea that many tests, normed and validated though they may be, tend to discriminate heavily against minority groups . . . I have understood that some teachers are not at all enthusiastic about testing, and special placement of children. Other children tease and call handicapped children names, ugly and hurtful names. But we are confronted with a very difficult decision – can the child be helped, or hurt by special placement?

"Intelligence tests do not measure such indefinables as 'street wise ways' . . . But I.Q. tests do predict school success beyond chance level, and the alternative is to diagnose by guess and by gosh . . . Or we can wait until children fail and then to try to divine what caused it. This is the costliest method. Keeping children back a year or two is also costly in money and in human spirit. The modern psychologist would like to be involved in many decisions of that kind – but time is not available and money is not available. Skills also are in short supply."

– Administrative coordinator of school system psychological services

The first step in the IEP development — student testing and evaluation — is perhaps the most complex and certainly the least understood part of the process. How to test accurately, without having the test results skewed by external circumstances and physical conditions that impair student achievement and obscure innate ability are problems that, despite years and millions of dollars spent on research, have yet to be resolved. Nor has it been possible yet to free the entire student referral and testing process from the influence of discriminatory assumptions about race, culture, and various handicapping conditions.

The student evaluation provisions of P.L. 94-142 attempt to guard against such distortions of the process. They require all testing and evaluation materials and procedures—

- To be selected and administered so as not to be racially or culturally discriminatory.
- To be provided and administered in the child's native language or other mode of communications, unless it is clearly not feasible to do so.
- To have been validated for the specific purpose for which they are used.
- To be administered by trained personnel in conformance with the instructions provided by their producer.
- To include tests and evaluation materials tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.
- To be selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level ... rather than reflecting the child's impaired sensory, manual, or speech skills — unless those skills are the factors which the test seeks to measure.

Further, P.L. 94-142 prohibits the use of any single procedure to be used as the sole criterion for determining an appropriate educational program; and it requires the evaluation to be made by a multidisciplinary team of persons, including at least one teacher or other specialist with knowledge in the area of suspected disability.

Testimony to the NEA panel, and examination of written regulations governing the education of handicapped children in each of the study locations indicated that in this, as in other areas of special education programming, the structures for compliance with P.L. 94-142 are substantially in place.

In each location, policies require that children be evaluated from various perspectives — to include their general health status, social adaptation, psychological characteristics, cultural and ethnic background, race, primary language, school history, and to take into account physical, neurological, and sensory impairments that could distort test results.

In each location, as required by P.L. 94-142, the evaluation of test results is the responsibility of a multidisciplinary team of professionals, including teachers and specialists in the area of the child's disability, and including the child's parents, or a school-appointed surrogate parent and, where appropriate, the child.

Under the California Master Plan and the area education agency system of Iowa, local school systems, depending upon their size, may or may not employ school psychologists and other specialized diagnostic staff members. Most systems obtain the most highly specialized staff services from the county or intermediate unit. Savannah-Chatham, on the other hand, employs its own specialist — or related services — staff. For the most extensive diagnostic work and medical assistance, the Savannah-Chatham Public Schools have the assistance of the Georgia Learning Resources System, which will provide comprehensive evaluations of severely and profoundly handicapped persons up to 21 years of age.

Of the three study locations, Santa Barbara County has established the most elaborate system of checks and balances over the assessment and placement process. The initial referral of a child for special education assistance is considered by a local school appraisal team (SAT), composed of a representative of the school system administration, the building administrator, the teacher (regular or special education) who made the referral, perhaps the resource teacher, or other member of the special education staff, the child's parents, or a surrogate parent, and, if appropriate, the child. If this group agrees that the child would best be served by resource room assistance or by some form of itinerant specialized instructional services, the matter need go no further. If, however, the SAT cannot agree, or if its recommendation is to place the child in a more restrictive environment within the school system, the case is then referred (in the larger school systems of Santa Barbara) to a local area educational assessment service (EAS), whose composition would include a school system psychologist, and other appropriate specialized staff. Finally, if the recommendation is to transfer the child for services from one school system to another, this recommendation must be submitted to a county level EAS team, which will include a full battery of special education staff persons.

All these arrangements, of course, are designed to guard against frivolous or retributive referrals of children, to ensure that testing and evaluation are as fair and valid as possible, and to eliminate the careless shunting aside into special education of children who somehow do not fit into the mainstream middle-class mold.

How well do the arrangements work? Very well indeed, testimony indicated, for some children. Remarkably well, considering the newness of the system. But there were parents who told of having had to be "obnoxious" and to fight every step of the way to obtain needed educational services for their children.

Growth of Special Education: Revealing Need for General Education Reform

There was also testimony suggesting that, despite the safeguards, the recent rapid development of special education programming has tended to encourage the over-referral of students to testing for identification of special needs. While some witnesses expressed concern that the mainstreaming provisions of P.L. 94-142 would mean that children with handicapping conditions would be indiscriminately "dumped" into regular classrooms, there were others in each study location who stated that quite the reverse is happening; i.e., that classes for the educable mentally retard (EMR), the learning handicapped (LH) and for the behaviorally disordered (BD) have become a "dumping ground" for students who are not quite "up to grade level," who don't get on with the teacher, or who are in some way troublingly different from the "regular" children.

A coordinator of school district psychological services reported that within the past five years, the work load and staff of his department has increased from 500 referrals a year with three psychologists to approximately 1800 referrals with eight psychologists. He estimated that one-third of these referrals are not eligible for special education placement, but that the time necessary to assess all the children referred causes a continuing excessive backlog of cases and waiting periods of as long as six or seven months for children who are referred in the spring — a timing, he commented, not likely to inspire trust, since it should not take a whole year for a teacher to determine whether a child has some special problems. He expressed these views:

"A . . . great deal of the problem is not that we need more testing, but that we need various curriculums so the children can proceed in the general classroom in various ways. We have some children who, for one reason or another, cannot learn extremely complex skills. We have some children who learn more visually than through auditory channels . . . There's a lot of research being done now . . . on so-called right-brain and left-brain people. The right-brain people tend to be people who are more intuitive; they tend to be people who are more musical. They make better actors. They might do better in athletics and things of that sort . . . For these people our schools do not have a lot to offer.

"What I think is – there is a sort of rigidity in the curriculum . . . Our schools are predominanty places where if you read well and compute well and use language well, you'll do pretty well if you have the other qualities – being on time, not sassing the teacher, if you're not emotionally disturbed and things of that sort.

". . . people blame tests for excluding children. But tests do in fact predict rather well which children are going to do well in school. What we should do is have school curriculums in which children who do not do well on the specific language requirements can nevertheless make use of other kinds of skills."

Often throughout this study, the NEA panel heard similar views, making it apparent that the enactment of

P.L. 94-142 has illuminated a need, not only to improve special education opportunities, but to enrich the offerings of general education to meet the various special needs of many more children than it does today. This theme is reminiscent of the philosophy of those who worked for racial integration of schools in earlier years. It suggests that each effort to serve a newly demanding minority further underscores the need for general educational reform. Clearly, one such reform that was called for when racial desegregation began is called for again — or still; that is the reform of student testing and evaluation. And today, as in earlier times, the children most damaged by the faults of testing instruments are the children who are different from and outside the "mainstream" of public school education and society. They may be different because of handicapping conditions, because of race, because of culture, because of poverty, because of language, because of migrancy. And, if they are different in all these ways, then their handicaps — and the difficulties involved in testing them — are compounded in all these ways.

Testing and Placement of Minority Children

"For children with special needs to be in poor programs is educationally unsound; for them to be in the wrong programs is harmful and cruel. Children with one problem may not learn, may fall further behind and experience great frustration. Those who are 'normal' . . . who have been misdiagnosed or misplaced for racially discriminatory or for other reasons, suffer great doubts about their own abilities and may lose all motivation to go to school at all."

– Children's Defense Fund of the Washington Research Project, Inc., Children Out of School in America. 1974

In the fall of 1973, a Children's Defense Fund investigative team found that in 505 school districts in Alabama, Arkansas, Georgia, Mississippi, and South Carolina, over 80 percent of the students in educable mentally retarded (EMR) classes were black, even though less than 40 percent of the total enrollment in these districts were black.

The NEA panel found that in the Savannah-Chatham Public Schools, 86 percent of the children designated mentally retarded are black even though only 55 percent of the total school enrollment are black.

In the two North Santa Barbara districts that made racial and ethnic data available, the NEA panel found the following: In one district, the total school enrollment is approximately 26 percent Chicano, but 46 percent of the mentally retarded students are Chicano. Chicano students are 13 percent of the enrollment of the other North Santa Barbara district that reported these statistics; yet they comprise 23 percent of the mentally retarded students in the district.

The Children's Defense Fund reported that black children are also predominant in classes for the socially maladjusted and emotionally disturbed — labels that tend to carry severe stigmas. White children, on the other hand, were found to be predominant in learning disabilities (LD) classes.

In Savannah also, whites comprise 62 percent of the enrollment in LD classes *

The North Santa Barbara statistics make it clear that this racial and ethnic sorting process is not a phenomenon confined to the southeastern part of the country. The following summaries of court actions challenging such classifications further reflect the nonregional nature of this problem:

Larry P. v. Riles, 343 F. Supp. 1306 (N.D. Cal. 1972); aff 'd. 502 F. 2d 963 (6th Cir. 1974). A class action suit filed on behalf of six black elementary school-aged children enrolled in the San Francisco Unified School District. The litigants alleged that they had been inappropriately classified as educable mentally retarded and placed and retained in classes for such children. The complaint argued that the children were not mentally retarded, but were "the victims of a testing procedure which fails to recognize their unfamiliarity with the white middle class cultural background and which ignores the learning experiences which they may have had in their homes."

Statistical Data indicated that in San Francisco, as well as the state, a disproportionate number of black children were enrolled in programs for the retarded. The Federal District Court, sustained on appeal, issued a preliminary injunction restraining the school district from administering an I.Q. test for the purpose of determining whether to place black students in EMR classes.

Diana v. State Board of Education, No. C-70-37 FRP (N.D. Cal. June 18, 1973). A class action bringing similar changes on behalf of the nine Mexican American children and "other young and pre-school bilingual children" who will be given I.Q. tests which "will inevitably lead to their placement in a class for mentally retarded." The children were retested in English and/or Spanish and seven of the nine scored well above the cutoff point of 70. The eighth child scored 70, and the ninth 67. The average gain on retesting was 15 points.

Stewart v. Philips, No. 70-1199-F (D. Mass., filed Sept. 14, 1970). A 1970 class action suit filed on behalf of seven poor children placed in Boston public school classes for the mentally retarded. Plaintiffs claimed that the children placed in those classes were subdivided in two groups: (1) "poor or black Boston children who are not mentally retarded and . . . have been, are, or may be denied the right to a regular public school education in a regular class by being

*The Heartland Education Agency (Iowa) did not provide data on racial composition of general and special education enrollments.

misclassified mentally retarded" and (2) poor or black Boston children who had been misclassified mentally retarded and incorrectly placed in special classes for the mentally retarded while in fact they were in need of special programs, but for the remediation of handicaps other *than mental retardation." It was further alleged that the plaintiffs were so placed because they were perceived as behavior problems.*

Among the allegations of this case:

That the classification of the children as mentally retarded was based "exclusively upon tests which discriminate against [plaintiffs] in that these tests are standardized on a population which is white and dissimilar to the [plaintiffs]." In administering and evaluating the test results, Boston school officials failed to distinguish among a wide range of learning disabilities, only one of which may be mental retardation.*

Throughout this study, it became increasingly evident to the NEA panel that, despite the procedural safeguards of P.L. 94-142 and earlier civil rights legislation and court decisions as well, the misclassification and consequent miseducation of poor and minority children continues in this country; and if those children have handicapping conditions as well, their handicaps are rendered doubly debilitating by their educational losses.

This finding was no great surprise to the panel members. They were surprised, however, considering the evidence of statistics and of their own observations in the schools that so few people complained — even in a private session. In Savannah, toward the end of one long day of meetings, one black teacher arose to speak spontaneously, and with obvious deep feeling. She said —

"I'm concerned about the number of suspensions of black children in school systems, and even in our local system. I know you asked about what programs we have to work with those children who have been suspended. And I don't know of any program. But I am concerned about what's going to happen to these children as they pass through one grade to another – what's going to happen in terms of careers when they exit high school with no skills, and no jobs.

"I want to know what can be done about the large proportion of blacks in the EMR and prevocational training (PVT) classes. As I look in the SLD classes, I notice that the larger percentage are white. As I go into the BD classes, I notice that the larger percentage of the children are black.

"I am questioning what can be done to help teachers cope with these children who come from different backgrounds from those that teachers understand. I'm questioning what can be done in terms of real human relationships in regard to children who come from diverse background – particularly the backgrounds that are different from the teachers.

"And we don't talk about this . . . we just sort of pass it over. We don't talk about it, but it's there. You have girls and boys who are coming out of college and they have been going to either predominantly black colleges or predominantly white colleges. They have lived in either predominantly black neighborhoods or predominantly white neighborhoods.

"And it's not evil on our part to say that these children – these boys and girls who are coming into the teaching profession – are not going to all of a sudden change their attitudes about people whom they have felt negatively about.

"And then, these kinds of things happen in the classroom – a behavior that is different from what the teachers have been used to ... then that child goes to the office and that child is suspended.

"What can be done and what helps can be given to these teachers before they even enter into a teaching profession? How do we get them to understand that when they come into a teaching profession, they come in to teach all children regardless of the color or the background from which they come?

"And I have these questions . . . I'm wondering what's going to happen to these children? I feel that black children have lost ground in the past five or ten years. And we talk out of both sides of our mouths. We're concerned about crime on the street, but when you put children on the streets with no skills and no jobs, you can expect lots of crime on the streets.

"So I'm asking what can be done. This to me is a handicap, a very deep handicap. How do we work with it? What can we look to? You? Or to the government? Or to whomever?"

The panel had no answers. Nor were there answers to the questions raised by those who described the children who are perhaps more disadvantaged and more handicapped than any children in America, the migrant handicapped child.

The Migrant Handicapped Child

". . . Migrant farmworkers have traditionally been either excluded from, or at best only minimally included in, every major social and worker benefit program enacted into law. This practice of exclusion has created a migrant society outside the traditional and legal structure in America. As a result, they do not have access to the normal channels of participating in or receiving the benefits from the system created to serve the citizenry . . .

"The problems of the migrant farmworker include: low wages and seasonal work, unemployment and

*The case summaries are abstracted from Alan Abeson and Nancy Bolick, eds., *A Continuing Summary of Pending and Completed Litigation Regarding the Education of Handicapped Children*, No. 8. The Council for Exceptional Children.

underemployment, limited coverage under labor and social legislation, job displacement caused by mechanization, critical health and housing needs, and little or no education.

". . . Most studies on the education of migrant workers indicate that ninety percent do not complete high school. In fact, the most commonly quoted grade attained . . . for migrant workers is 5.3."

– Testimony by John Ryor, President, NEA, Before the Subcommittee on Elementary, Secondary, and Vocational Education of the House Committee on Education and Labor, September 20, 1977.

"The migrant student – even the healthy student of average ability – is handicapped simply because of the lifestyle that he encounters. The only thing that's constant with a migrant is . . . movement. Therefore, usually their education is much less than that of the resident student . . . Every time they move, the jump is into an unfamiliar situation. They don't feel comfortable in the classroom. And by the time they're about in junior high, they just give up . . .

". . . If the migrant student is already handicapped, physically, or in some other way . . . I would say that the migrant handicapped doesn't have a chance."

– Migrant education coordinator

In discussing the problems of testing Spanish-speaking and migrant children, a school psychologist, himself a Chicano, told of a boy whom he called Ramon, who came from Mexico when he was about 4 or 5 years old. Later Ramon went back to Mexico and returned to this country after about two or three years. The school that he went to in this country had no bilingual program, so that the child, who knew no English, was "taught" in English. The result was, he did not learn in any language. Ramon, now in high school, had been previously tested by other psychologists and most recently had been tested by the psychologist who met with the NEA panel. The tests had shown that he was functionally retarded — *functionally* because of his academic and life experiences, but probably not innately retarded. If, as seems likely, the retardation is a product of experience rather than genetics, the standardized tests most commonly in use fail to discern that distinction. The Chicano psychologist stated, however, that when he had tested Ramon, his I.Q. score showed an increase of from 15 to 20 points above the previous scores on the tests administered by the Anglo psychologists. "For no other reason," he said, "than that I tested him. I translated some of the items because I have some awareness of how culture affects perception." The psychologist reported —

"This student now finds himself, a predominantly monolingual Spanish-speaker, still in a program that I think is really doing the best it can to serve the needs of Spanish-speaking kids.

"He is in a program where we have a choice of providing him with special education, which he very obviously qualifies for. Yet, we are also faced with the dilemma of not having the teachers necessary who are prepared and versed in the linguistic aspects of learning a second language. To some degree, there is cultural ignorance. So, combining the two, you have a boy that you say, 'What do we do with him.'

"Basically, what we have tried to do in the past is to provide these students with some program that will benefit them. We have found ourselves doing things like referring them to our migrant education programs or to our Title VII bilingual programs. Yet, when you do that, you have, on the other hand, teachers who are not prepared as special education teachers. But if you keep the students in special education, you have special education teachers who are not equipped, who have not been trained to deal with bilingual students."

This conundrum affects most of the migrant children, and all handicapped children who are monolingual Spanish-speaking.

A migrant education coordinator told of a similar problem involving a hearing-impaired student whom he could not recommend for assignment to a hearing-impaired program because there was no bilingual instruction available for him there. This student, who was retained in the migrant education program, was fortunate because he was able to be helped with hearing aids, which were obtained for him. Things do not work out so well for most handicapped migrant students.

The migrant education coordinator told of another problem:

". . . if we have a student who does not qualify for our program but qualifies for the handicapped program, there's so much paperwork in just enrolling that student that by the time the student can be admitted to the program and receive services – by that time, the student has . . . dropped out of school because his parents don't see the need of keeping the student in school just biding time. And then they don't really want to put him back in school. There's a long time, a lot of tests, a lot of paperwork."

In some cases, before the paperwork is complete, the student has moved on with his parents and must enroll in another school system.

The Migrant Student Record Transfer System (MSRTS), a national system for keeping records of all education-related information concerning migrant students, has the potential capability to speed up the paperwork process as well as alleviate some of the educational problems of migrant students. If the MSRTS is used, the child's records are available speedily from the computer to the receiving school district. Thus, it can eliminate practices now prevalent of testing the same child several times a year, or not testing the child at all. The records can follow the child. However, testimony

suggested that the full potential of the system is not being realized.

At present, data on handicapping conditions are not collected by the system, although, if a school system wished to use it, there is a digit available to identify the student as "handicapped" without other details. The MSRTS, however, has the capacity to include more information than this if there is a need and a demand for it, and if the school systems will cooperate in providing it.

The Testing Dilemma: Diagnostic Distortion

". . . Public Law 94-142 does not address what is in my opinion the most urgent factor in special education, and that is the prevention of handicapping conditions. There need never be another child who is deaf or blind or retarded from Rubella. But there will be, and there will be lots of them.

"There need never be a child who is malnourished. There are adequate programs for young children. But we will have children coming to our schools who have never had anything but grits and greens and have never had adequate protein diets. Their brains are small. They will never be able to function in our community.

"We will have children coming to our schools who have no vocabulary, children who have never been talked to by their parents. So they do not even know their own name when they come to public school because they have never been called anything but 'bubba' and 'sister' . . . "

– Board of Education member, Savannnah Public Schools

"The question, as I understand it, is – why are there more black children in special education classes than white children in special education classes . . . I suggest to you that . . . black children also fall at the very bottom of just about every other categorization of population that you can imagine. The statistics are invariably negative. It is a shame. I think the reasons for it are extremely complex. They are historical. They are political. They are psychological. They are philosophical. They are economic . . . I think it is generally true that you will find that black children in our community suffer more of these cultural, economic, psychological deprivations than white children in this community which, at least, provides a prima facie explanation of the reason why the black children would show up as a larger proportion of the population in special education classes, assuming that the distribution of students is undertaken in good faith which, in fact, it is . . . "

– A second member of The Board of Education, Savannah Public Schools

There can be little question that a child's life experience — whether deprived or enriched, economically and emotionally — will have an enormous effect on that child's apparent intellectual ability, and on the score he or she will make on a standardized intelligence test. As noted earlier, a major problem with intelligence tests in common use today is their failure to reflect the child's innate intellectual capacity; they measure instead the capacity as influenced by environmental factors.

One of the provisions of P.L. 94-142 with regard to the testing of handicapped children is that testing of such children shall "accurately reflect the child's aptitude or achievement level, rather than reflecting the child's impaired sensory, manual, or speech skills." The norm-referenced, standardized intelligence test does to the child of poverty what P.L. 94-142 says shall not be done to the handicapped child; that is, it reflects the impairment of the child's intellect or speech or sensory skills (an impairment, in this instance, caused by environmental influences), without discerning innate intellectual potential.

It must also be recognized that some environmental influences, including pre- and neo-natal nutritional deficits, can have a crippling effect on the child's inherited potential; they can, in fact, cause irreversible mental retardation and physical disability. But many factors of environment have more superficial consequences, which can be remedied by appropriate schooling.

Poverty and educational deprivation are, without question, handicapping conditions; but they are, with good reason, excluded from the conditions covered by the provisions of P.L. 94-142. The child who is severely environmentally handicapped may indeed score below some "normal" standard on an I.Q. test; but this same child may be genetically "normal." Just so, the child who is deaf or has some other communicative disability may appear to have a severe intellectual deficit as measured on the standardized I.Q. test, but he or she may be genetically "normal" or above, if the potential ability locked inside the child can only be reached.

The Testing Dilemma: A Possible Answer

Another problem that concerns many test critics is identified by sociologist Jane Mercer as the *Anglocentrism* of I.Q. tests, firmly based as they are on the core culture of middle-class Anglo-Saxon America:

We must conclude that the evaluations that produce the definition 'mental retardate,' for the most part, embody the values of the core culture. Because the diagnosticians themselves have usually internalized the values of the core culture, they tend to accept these values as given and to perceive any individual who deviates markedly from these values as abnormal. Groups in the social structure sharing the values of the core culture tend to accept the labels attached as a consequence of the application of these values without serious questioning. For example, it seems self-evident to a member of a middle-class American family that there is something seriously wrong with an adult who cannot read or write in English. This opinion might not be so widely shared by persons in peripheral social systems who speak other lan-

*guages . . . We can only speculate what forms an intelligence test designed for Harlem blacks, barrio Mexican-Americans, or Hopi Indians might take. It is easy to imagine that linguistic and numerical skills would have considerably less salience.**

Jane Mercer, although a critic of the tests herself, does not recommend their abolition. Rather, she suggests a method of compensating for their deficiencies. A lengthy series of studies in Riverside, California, in the 1960's revealed to Mercer and her research associates that three times more Chicano children were being labeled mentally retarded than would be anticipated from their proportion in the population. Subsequent studies showed many of these alleged retardates to be fulfilling responsible, normal roles in their homes and communities. This led her to question, through extensive sociological research, what factors contributed to the labeling of "the six-hour retardate."

Mercer's initial studies showed her that black and Chicano children, tested by traditional I.Q. testing methods (the Wechsler Intelligence Scale, WISC) scored an average of ten to fifteen points below the test norm. However, when black and Chicano children were classified according to the degree by which their family background corresponded to the middle-class Anglo culture, it was found that the scores of those closest to the core cultural background were correspondingly closer to the test norm. The less "anglocized" the children's background, the lower their score.

With this preliminary data, Mercer began to develop a multi-dimensional system of evaluation of children. The system she developed was standardized on a sampling of 2100 children, selected to be representative of the public school population of the State of California. The sampling included Anglo, Chicano, and black students, aged 5 to 11, 100 children at each age level.

The standardization study involved —

- Interviewing the children's mothers to obtain information about each child's health history and adaptive behavior, and about the social and cultural characteristics of the family.
- Testing each child with a series of physical dexterity tests and the WISC-R I.Q. test.

The standardization study confirmed Mercer's hypothesis that there is a measurable difference on the score that the minority child will make on the standardized intelligence test; and that that difference can be determined by the degree to which the child's social, cultural, and economic background conforms to the middle-class American core culture.

*Jane R. Mercer, *Labeling the Mentally Retarded, Clinical and Social System Perspectives on Mental Retardation*. University of California Press, Berkeley, Ca. 1973. p. 14 (Note: The research project and testing method described here is abstracted from comprehensive and detailed discussions of Mercer's work contained in this book and in transcripts of speeches by the sociologist.)

This is only a skeletal outline of the diagnostic construct identified by Mercer as a system of multicultural pluralistic assessment (SOMPA). Its significance is made more clear by giving an example of one of its applications. The system of pluralistic assessment was administered to a Hispanic boy, whose score on the standard I.Q. test was 113, indicating normal intelligence. But the data that Mercer had gathered revealed that this was a child who came from an East Los Angeles barrio, whose mother — a sixth grade school dropout and on welfare — spoke Spanish almost exclusively, and whose father was dead. Taking into account all the disadvantages of his home and community environment, this boy would have been expected to measure 90 on the I.Q. test. His score of 113 was 23 points above what he would have been expected to score, based on the pluralistic norms developed by Mercer. Had the standardized test taken into account these environmental factors, whose probable effect her research had measured, the child might have been labeled as a gifted child.

The Savannah School Board members' enumerations of the influences likely to depress the I.Q. score of a poor and black child are not invalid. What is invalid are the tests that this and other school systems throughout the country are using to attempt to diagnose the intelligence potential of children whose language and culture do not conform to the middle-class norms on which the tests are based. The persistent use of norm-referenced standardized intelligence tests flies in the face of intelligence itself.

The argument against such tests is far from new:

No true scientist would be guilty of reporting the behavior of a laboratory animal without allowing for the characteristics of environment, and yet children are expected to tread on a standardized high road even though the conditions and circumstances of their surroundings have effectually barred and sealed its entrance.

– Edward A. Strecker, "What Constitutes Mental Health in Childhood?", from Transactions of the American Child Health Association, 1926., quoted from Children and Youth in America, A Documentary History, Ed., Robert H. Bremmer, Vol. 11, 1866-1932. Harvard University Press, Cambridge, Mass. 1971

An Appropriate Public Education: Equity and Access

"Although my colleagues and I could not agree more with the intent of this law, I see a major problem with funding. Without federal funding behind this law, it will be a farce. The millage rate in this county is up high. The citizens are not behind this system. They defeat bond issues. We're scared to put up any more bond issues. Where is this money going to come from?

"My class is overcrowded. My school's overcrowded. During my planning period, I vacate my room for another class to float in. Will my windows stay cracked? Will I lose all duplicating and reproducing services as I did last year when materials ran out? Where is this money going to come from?

"This is something that concerns me and it concerns my colleagues . . . We also need more staff. I teach U.S. history. This is a course mandated by the State . . . therefore my classes are large, sometimes they go over 40, and frequently I have exceptional children put in there . . . and I don't have time to help them or even to split up my time among the other 40 in there."

– High school classroom teacher, Savannah

"Let me tell you some of the things I have experienced visiting school districts throughout the state. One of them is – we are faced with a declining enrollment situation. Our funds are tied directly to the number of students that we have. Less students mean less funds – but not necessarily a decrease in expenses.

"We are finding class size increasing. I ran across a kindergarten class of 39 this fall, a third grade class of 38. Now, some of those teachers are also experiencing mainstreaming on top of that. I need not tell you the impact that is having on the mental health of the classroom teacher . . .

"Schools in this state are operating under rigid spending controls adopted by the legislature. These spending controls have forced school districts across the state to curtail programs and personnel. More than 30 school districts are unable to meet state minimum mandated programs.

"It should be apparent that when new programs are introduced and not adequately funded, money must be taken from another program area to meet the new requirements. Unless additional funding is forthcoming from the legislature, our schools will have to further reduce program efforts for nonhandicapped students to meet the requirements of Public Law 94-142. We do not believe this was the intent of those who worked for the adoption of the legislation."

– President, Iowa State Education Association

In a May 1977 memorandum, the Executive Director of the Education Commission of the States* estimated that compliance with the provisions of P.L. 94-142 would require state and local education agencies to increase spending for special education by $3 to $4 billion by fiscal year 1979 — an additional state and local commitment that would be five to six times the authorized federal funding level for the law in 1979.

It would serve little purpose here to discuss the specific dollar amounts that are being spent for special and general education in the three study locations, or to attempt to make some estimate of the amounts that would be needed for full implementation of P.L. 94-142. This section will deal, however, with some of the programs and services that are deficient and clearly in need of improvement if these school systems are to meet the intent of the law. A major reason for many of these deficiencies is the lack of money, although other factors also are involved. According to some Santa Barbara teachers and local administrators, for example, there has been an unwise allocation of funds. The special education structure, they claimed, was top-heavy with administrators and specialists at the county level, whose costly services had been obtained at the expense of the necessary professional and support staff and facilities to help children at the school building and classroom level.

In contrast, special education teachers in a rural Iowa district expressed particular satisfaction with the allocation of resources. Although the buildings that panel members visited were old and the classrooms were far from spacious, the teachers commented that they were able to get all the materials they needed and were able to sustain a good special education program. This, they said, was because their school superintendent had chosen to spend less on physical plant improvements and athletics in order to be able to spend more on the kinds of things needed for education of handicapped children.

Weighted Enrollment Funding

The Iowa funding formula for special education, like its service delivery system, seems to be reasonable and effective. Special education instruction programs throughout the state are financed through a weighted enrollment factor, according to the nature and costliness of each specific program. Children in the resource teaching program are weighted at 1.7, which means that for every such child, the state aid and property tax allocation is one and seven-tenths times that for general education. For a child in a special class with integration, the weighting for 1977-78 was initially set at 2.2 — but because the number of these children was more than anticipated, the weighting factor has been cut to 2.0. For severe and profoundly handicapped children, the weighting is 4.3.

It is important to note that for the child in the resource program, the 1.7 weighted funding goes to the special education program with the indirect costs fed back to the general education program to the extent that the child is integrated with the general education program. In all three of the states included in the study, funding for children in the resource program is shared between special and general education, based on the proportion

* The Education Commission of the States serves as the governing board and operating arm of the Compact for Education, a legislated interstate compact among the states to join together "for the improvement of education by establishing a partnership of political and educational leadership." The Commission consists of seven representatives from each of 45 member states and two territories, including the governor of each state, four persons appointed by the governor, and two state legislators.

of each of the child's time spent in each program. This tends to eliminate the incentive to keep children segregated in self-contained special education classrooms. That is, if a child is placed in a resource program under which, in all three locations, that child must be in a general education classroom for a majority of the time, the school system does not lose the special education money; that money is simply transferred proportionately to the general education budget.

It should also be noted that the Iowa weighting formula applies solely to funding; in no way does it affect regular classroom size to accommodate mainstreaming. All three locations have specific limitations on special education class size, but none has assigned a weighted enrollment factor according to the handicapping condition of a child placed in a regular classroom. Testimony regarding this kind of weighting formula will be discussed in later sections of the report (p. 27).

Program and Funding Coordination

One important part of the intent of P.L. 94-142 was to bring some sort of coherence to the myriad fragmented and overlapping special education services in the various states. Accordingly, the law placed one governmental unit — the state education agency — in charge of the special education functions of all public agencies within each state, including those that are not recipients of Part B funding. Among the agencies that are involved, to some degree, in the education of handicapped children are state departments of mental health and welfare, state schools for the deaf and blind, and state correctional facilities.

It was evident to the NEA panel, in all locations visited, that the necessary coordination of special education services has barely begun. In one location, the panel was told, a court placement made by the social services agency had been implemented hastily, without appropriate consultation; and the education authorities were in disagreement with the placement decision. As a result, there will have to be a reevaluation and a consequent delay in the provision of appropriate educational services to the child.

The NEA panel learned that in Iowa the state schools for the deaf and blind remain under the jurisdiction of the Board of Regents. Testimony from people who have either been in those schools in recent years, or who have children there now indicated that the educational programs, services, and facilities do not conform to the requirements of P.L. 94-142, nor do these schools have effective due process procedures to enable parents to take action to obtain appropriate educational programs for their children. Several people expressed the view that the residential schools should now be placed under the authority of the State Department of Education, not only because this seems to be organizationally sound, but because the State Board of Regents has given little attention to the quality of programs at the residential schools.

Testimony indicated, further, that there is much yet to be done by the state departments of education to consolidate those various sources of state and federal funding that might be made available to the public schools as they assume an increasing share of the responsibility for the education of handicapped children.

In Georgia, concern was expressed about the use of federal funds provided under Title I of P.L. 89-313, the Elementary and Secondary Education Act of 1963 (ESEA). These funds support programs for the handicapped in publicly supported institutions, such as the residential schools for the blind and deaf. The allocation under this act is 40 percent of the average per pupil expenditure in each state times the number of children enrolled in these institutions — a sum of between $400 and $600 per child, considerably more than that derived from P.L. 94-142.

Theoretically, under the law, when children are transferred from the institutions to public schools, this federal allocation follows them. But in actuality, the panel was told, the per pupil allocation — usually more than $500 — is a strong inducement to the officials of the state residential institutions to determine that the appropriate education for these children can best be furnished by the institution. In one state, the charge was made that these allocations may serve as an incentive to maintain handicapped children in institutional settings, rather than to place them in a less restrictive environment. It was suggested that these funds should be used to increase the meagre funding of P.L. 94-142.

In reporting this testimony, the panel does not suggest that all children should be removed from institutional settings. For many handicapped children such a move would be disastrous. It does appear, however, that every effort should be made at all governmental levels to ensure, when children are placed with public school systems, that the monies needed to pay for their appropriate education are made available. If this is not done, the consequence will be counter-productive and perhaps bitter competition between general and special education forces, each struggling to get their fair share of the pitifully inadequate education dollar. These two education groups cannot afford to work against each other; their survival may indeed depend upon their ability to work together. Their interdependence is never more clearly in evidence than when the least restrictive environment for a handicapped child is determined to be the general education classroom — even if only for a brief period during the day.

When the Classroom Is the Least Restrictive Environment: Teachers' Perspectives on Class Size

". . . when I was in college I made a choice that I wanted to be a classroom elementary teacher. Now all of a sudden it seems that I will be eternally back in school trying to upgrade myself or satisfy requirements issued by the state board . . . It's a frustration level – the career I chose was to be a classroom teacher, and believe it or not, there are still a lot of average children who need a classroom. It just

seems we're so involved with the exceptional child that we're forgetting the poor Frankies and Johns who are average children who require attention also, and we still need classroom teachers for that."

– Elementary classroom teacher

"I think mainstreaming is a great idea. I'm a regular classroom teacher. I was asked to take two hearing-impaired girls, and I have an LH girl who comes in part of the day. I think it works out very well."

– Elementary classroom teacher

"My experience with mainstreaming has been disillusioning and difficult. For one whole school year I had in one English class a boy who was all but totally deaf. His needs and demands were so overwhelming that he took 59 percent of my teaching time, energy, and creativity . . . leaving 34 other students scavenging for crumbs . . .

"What no one urging mainstreaming seems to be aware of is that all kids are special. In the same class with [the hearing-impaired student] was a sweet, troubled boy who was both dyslexic and on hard drugs. He needed love more than anything else, and loving takes time. In the same class was a remarkably gifted boy. He needed . . . special lesson plans, books, etc. He was a joy to teach, but special plans take time. In the same class, about one-third of the students were categorized as disadvantaged, and there were kids whose parents were alcoholic, whose backgrounds invited them to drop out of school, kids who read on a second-grade level in tenth grade, kids who needed to find out about birth control, kids who needed one adult in their lives they could trust.

". . . in my opinion, the budding poet, the wallflower, the kid who misses a lot of school because he's staying at home with a sick grandmother, the girl who fears she's pregnant, the boy whose parents just threw him out, the girl whose mother is a prostitute, the kid whose brother just got killed in an accident, the boy who hasn't quite learned how to handle his sudden sex appeal, the discouraged kid who's never quite learned how to read, the kid on drugs, the one who speaks only Vietnamese, the happily average, the lonely genius, are all special human beings with special needs – one of which is that they must learn some English despite what else goes on in their lives.

"It's not fair to give the majority only leftovers and focus so much attention on just one kind of special need."

– High school English teacher

The intent of P.L. 94-142, of course, was never to give the majority of students only the leftovers of teacher attention. Rather, it was to ensure that children who have traditionally received little or no instructional attention — who have themselves always had to scavenge for crumbs — will finally have an equal opportunity for learning and that they will be provided with whatever services and facilities are necessary to make it possible for them to learn to the extent of their ability.

But the testimony of teachers and others made it clear that in many instances, the necessary services and facilities have not been made available; and there has resulted the kind of rivalry between special and regular education that is damaging to the education of all children.

". . . there is not the kind of working relationship between a regular classroom teacher and a special ed teacher that there should be . . . The regular classroom teacher perceives the special ed teacher as a person who only has 10 kids, 12 kids . . . and here the regular classroom teacher has 30 or more kids . . . and there's an automatic kind of resentment . . . because of that perception of the special ed teacher as the person with just a few kids . . . and he or she is also a convenient dumping ground. The kid that's acting up in my class or creating a nuisance, getting on my nerves . . . send him to special ed. Let that person take care . . . and it's that kind of lack of understanding that impedes an effective program.

– A state education association staff member

". . . I want to follow up on your question about the resentment that sometimes exists. I think it's created because we have legislation that says [the resource teacher] has only 24 children. That's the maximum caseload. Well, when you mainstream a child, you send him back into a classroom where there is no real legislation on the number of children. . .

"For example, our physical education teachers have to take a full classroom, or they take two classrooms at a time – 75 children. They include all of the children in a learning disabilities class, all of the behaviorally disordered children. The physical education teacher looks at the resource teacher and says, "You can only have 24, I have to have all the regular children, plus all the ones in the resource program, where the class size is limited to just a few, because they're handicapped."

– Resource specialist

Notwithstanding various research theories which tell us that class size has little effect on how well children learn, teachers who met with this panel stated emphatically that large class size can have an extremely detrimental effect on the effectiveness of teaching and learning. When children with exceptional needs are placed in an already overcrowded classroom, the educational consequences can be devastating, they said, for all the children, and a source of near intolerable frustration for the teacher.

Testimony indicated that this is not an unusual situation in any of the districts visited. A state chairman of an advisory committee on P.L. 94-142 told the panel —

"I know of one regular classroom teacher with 32 students, including 8 who are learning disabled.

Since she is truly trying to meet the needs of all these children, she is working herself ragged with program planning, preparation of materials, and other associated tasks. Some teachers have recommended to me a two-to-one weighting of handicapped to nonhandicapped children, while others have recommended a four-to-one weighting for E.M.R. students, with a lesser weighting for other milder problems."

No one took exception to the view that handicapped children should not be placed in overcrowded classrooms. But then no one took exception to the view that children in general — or teachers themselves, for that matter — should not be placed in overcrowded classrooms. There was less agreement with the view that a weighted enrollment factor should be devised to reduce the number of "normal" students in a class based on the number of handicapped children placed in it and the severity of their handicap.

There was in fact some fairly strong opposition expressed to the concept of using a weighted enrollment factor to reduce class size because of the presence of a handicapped child. This view, representative of the position of some handicapped advocate groups, was expressed as follows:

"It's hard for me to live . . . with the concept that one individual who is perhaps more divergent from some conception of normality than others deserves to have the negative label of being the equivalent of four other kids in terms of difficulty.

"I also think it's a shortsighted way of handling the real support needs that the regular classroom teacher has . . ."

On the other hand, as some classroom teachers pointed out, allowances are made in the size of special education self-contained classrooms, depending on the nature and severity of the disability of the students. It could logically follow that corresponding reductions might be made in the "regular" class size, depending upon the nature and severity of the handicap of the child or children assigned to the classroom. If, in fact, such reductions in class size assist the teacher and all the children, they seem warranted.

Task forces have been formed in two of the study locations to work on the problem of class size. While a number of witnesses were in favor of an enrollment weighting system, there were others who felt that the use of aides to assist the classroom teacher would be more beneficial; and there were others who were opposed to the establishment of any formula and expressed the view that decisions about class size and the use of aides should be made on a case-by-case basis, depending upon the regular classroom teacher, the number of handicapped children being placed in the class, the nature of their handicapping conditions, and the amount of time the resource teacher could spend in the regular classroom.

The only common theme that the NEA panel noted in all locations was that there is a serious problem with class size in the regular classroom, and that this problem is intensified and is an obstacle to learning for all children when that classroom receives one or more handicapped children.

Teacher Education Needs: Preservice and Inservice

The NEA panel noted general agreement among educators and parents that current teacher training programs — both preservice and inservice — are entirely inadequate to prepare classroom teachers to work effectively with handicapped children, and to prepare both special and regular teachers to relate effectively and supportively to each other.

Many people, including the teachers themselves, spoke of the distance that has long separated the two worlds of special and regular education and of the critical need to bring those worlds together as the two groups begin to share responsibility for handicapped and nonhandicapped children in integrated educational settings.

A university teacher of special education teachers urged the panel not to assume that regular classroom teachers are the professionals most in need of preparation for mainstreaming. He said:

"Most inservice training appears to be aimed at 'regular' educators (and sometimes 'regular' administrators) with training to special educators secondary if it occurs at all. Often this training is aimed at developing knowledge, skills, and positive attitudes about handicapped children. While the value of these objectives cannot be denied, I believe the hidden assumption that most regular educators as a group are more deficient than special educators as a group in these areas could be questioned.

"I believe that, based on the amount of change required to successfully implement mainstreaming, it would be possible to conclude that it is the special educator who is most 'deficient' in appropriate knowledge, skills, and attitudes –particularly if attention is paid to the fact that many special educators are being asked to assume supportive indirect service roles for which they have had little training or preparation, while regular educators will remain basically in existing service roles (with, perhaps, new tasks). I do not question the need of regular educators for training, but rather the assumption that regular educators are more in need of training than special educators."

No one questioned the need for increased quantity and improved quality of the training programs available to all educators to prepare them to assume their new roles and relationships as school systems move to implement P.L. 94-142. But there were many questions raised, and many varying opinions about the precise

form and substance those training programs should take.

As the meetings proceeded at each location, some consensus on this issue began to emerge. Much of it had to do with what people thought inservice training should *not* be. Unfortunately, the kinds of inservice training that are most prevalent seemed to be the kinds that teachers considered least helpful: the fragmented one-day, half-day, or two-day meetings and workshops, having little continuity of purpose and content.

Three views, not inconsistent with each other, of the kinds of inservice training that would be helpful, follow.

From an associate professor of education who said that if he were representing teachers at the bargaining table, he would propose something like this:

"I, representing the teachers, say we want continuing inservice to help us adapt our actions to divergent individuals. My training program – I'm being a hypothetical teacher now – did not prepare me to personalize education.

"I'm asked to do it, but I'm not helped to do it. I need support and continuing inservice, not the two-day baloney we get at the beginning of the year. I would like a trained consultant to work with me when I have crises of accommodation of individuality. I would like somebody to be working with me so that when I have a hassle with a kid, I can, without threat of losing my job or demotion or loss of prestige, get help.

"I would say we want continuous inservice and then I want a consultant available to me. Now, available does not mean available to every 400 teachers. I am talking about somebody who may be available full-time on a ratio of one to every thirty teachers. I would negotiate for that.

"If I am going to be dealing with individuals who may spread all the way from barely sounding words to reading high school textbooks on physics in my fourth grade classroom, I need a broader array of materials installed in my classroom – not at the resource library, but installed in my classroom.

"I need to know how to use them. Again, that inservice training and consultation. If I'm going to be asked to work with that freaky kid who climbs the walls when I have 29 other kids that I have to handle, too . . . I want somebody who comes in and installs and teaches me how to operate a contract-based behavior modification program.

"Similarly, if we are going to – and I think we should – deal with the children who communicate via signing, and I don't know how to sign at this point, I would like a transitional period where somebody comes in and interprets for us now and teaches me and the children in my class how to sign so we begin to communicate with a person who needs to feel not as an isolate in the regular classroom. And somebody who signs and does not speak is going to feel like an isolate unless there is a communication community in that classroom."

From the teacher of an autistic child whose parents described him as "a very understanding person who relates very well to the children and is willing to try anything, including standing on his head in the corner, if he thinks it will help the kids," and about whom they said, "if there were more teachers like that, the whole system would work better:"

"Some of my fears are in the area of teacher training. We suddenly get new programs. We have classes for different types of children, and then a law is passed making something mandatory . . . like the California Master Plan . . So everybody gets excited about Master Plan. So now let's look at teacher credentialling . . And lo and behold, people begin to pop up whom I like to call instant experts. You know, five years ago when you were looking for help, they weren't here. And now you can't walk into a university campus in the state of California that they don't have experts in severely handicapped and autistic . . . they thought you were talking about artists five years ago . . .

" . . . I think some of the requirements that they levy on teachers, the skills they want to teach teachers, are useless in the classroom.

"Autistic children . . . we all know they don't develop language and communication in a normal way. So I had the normal background for the standard elementary teacher's credential. So, now the severely handicapped specialist credential comes along. I have to go back and take some normal, standard language program. This doesn't turn me on too much. They could have told me to go back and take a class in signing. We have shown that signing works great with these types of children. It helps even the speaking child. I was able to teach (an autistic child) numbers and colors and prepositions by the use of signs and behavior modification techniques. But this is not part of what any university says you need to teach autistic children.

"So I think we frighten some of the teachers away from wanting to work with the children . . . I would like to team with a good kindergarten teacher in my room . . . they have all kinds of good skills. Why not increase those skills – give them training in vocational skills? I don't mean automobile mechanics, because . . . some of my children are never going to get there. Why not arts and crafts? . . . So, the types of skills that the . . . good kindergarten or first grade teacher has, if you will convince them that this is what these children need, then I am sure a lot of their reluctance would disappear. They think they don't know anything about these kids, but they do. It's just that they are not used to dealing with them."

And from the school psychologist who had described the problems of the functionally retarded Chicano student:

". . . if we continue to address ourselves solely to the cognitive aspects of our development, we are denying a very critical and important aspect of ourselves as human beings. We can't afford to do that much longer.

". . . The inservice that I would provide to teachers would be, first of all, an experiential one. It is like learning about culture through books. You don't. It is something that has to be experienced.

"It also holds true that if we are talking about providing emotional support, certainly we are not going to do it by talking about it. We are going to do it by being emotionally supportive.

"Many of the students that we have are experiencing difficulties for a whole lot of reasons that stem partly from home – partly from the inconsistencies in our society. All those social kinds of reasons, compounded by the fact that they are teenagers and are going through the biological changes . . . So you have both the biological aspects and the emotional things that they are experiencing.

"The only way you can get at that is by helping them . . . with the feelings that are either being suppressed or are being expressed inappropriately. I don't believe teachers can do that unless they are able to do that with themselves. So, the kind of training that we need to provide has to address itself to that – which goes back to if you ain't got it, you can't give it."

The reality of both inservice and preservice special education training does not seem to be close to the concepts quoted above. But there are signs of possible movement in those directions.

The California Master Plan legislation, A.B. 1250, provides that the State Commission on Teacher Preparation and Licensing and the Department of Education shall cooperate in developing requirements to ensure that all individuals receiving an administrative services credential or a clear teaching credential,* after July 1, 1979, shall have received training in "the needs of, and methods of providing, educational opportunities to individuals with exceptional needs." Also, this law requires that ongoing staff development programs be designed and implemented by classroom teachers and other participating school personnel (with classroom teachers in the majority) and that up to two days of release time per year may be provided for staff development at each school. Passage of these provisions, the panel was told, was heavily influenced by the California Teachers Association (CTA).

In Georgia, the state law governing handicapped education requires all teachers and administrators to have a course, through inservice or preservice work, in the identification and education of exceptional children. The course is required for certification, and it is estimated by the state director of special education that 90 percent of the educators in the state have now completed it. Teachers speaking to the NEA panel who had taken the course, however, expressed the opinion that it had been only minimally helpful, that it was primarily theoretical, and had little to do with the real world of the classroom. Some of those who have taught the course, not surprisingly, spoke much more favorably of it.

In Savannah, inservice education programs are offered by the Georgia Learning Resources System; and in Iowa, the area education agencies provide inservice education services although, the panel was told, much of their inservice program effort has had to be developed for their own staff.

At each location, panel members inquired of teachers, administrators, and higher education personnel if plans had been made to use federally funded teacher centers as one inservice training and curriculum development resource to help teachers meet more effectively the educational needs of handicapped children. Among those questioned, however, there appeared to be very limited awareness (1) that the Congress has enacted a Teacher Center Law (Section 532 of the Higher Education Act of 1965, as amended), (2) that this law has been funded, if only minimally (with an $8.25 million appropriation), (3) that teachers can have control over the inservice programs developed in the centers, or (4) that the centers can be one effective means of moving toward implementation of the staff development goals of P.L. 94-142.

As with P.L. 94-142, the funding level for the teacher center legislation is insufficient. But the potential of this legislation for improving inservice education and for giving teachers control over the content and quality of inservice programs is enormous.

Questioning of special education staff members at state and local colleges and universities in each state revealed that there has been very little coordination between the teacher education institutions and the public schools for the purpose of providing adequate inservice and preservice programs in special education. It appeared, in fact, that the various colleges and universities have not yet prepared themselves financially or programmatically to meet the training demands of P.L. 94-142. In a time of alleged regular classroom teacher over-supply, education officials at all three locations spoke of the extreme difficulty in locating, recruiting, and retaining the highly specialized personnel now required in order to fulfill the requirements of the law. In Georgia, however, many EMR teachers are available — more than are needed — because, it was explained, this is the only undergraduate special education degree program in the state.

* *A "clear" teaching credential in California is one where an individual "has completed all the course requirements but has not necessarily completed the experience requirements."*

Testimony indicated that there are no required undergraduate special education courses available in any of the study locations that would acquaint potential "regular" classroom teachers with the basics of special education. It was suggested by a special education director that teacher education institutions should be encouraged to develop in the core curriculum at least one survey course on special education — "talking about everything from methodology to adapting regular education materials, to selection of materials that can be used by both 'regular' and 'special' education students. If such a course could be included in the teacher credentialling program, he said, "we might give a broader background, a broader experience to our new teachers coming out. They wouldn't feel as totally hopeless or helpless and lost when a youngster is mainstreamed into their class."

The need for such a requirement was underscored by the results of a CTA survey of teachers who are now involved with teaching handicapped children in their general education classrooms. The survey report showed that 88 percent of the teachers had had no inservice preparation.

In some areas, teachers on their own are making efforts to learn what needs to be learned to meet more fully the needs of their students. In an Iowa district, a teacher who also is a nurse in a school in which handicapped children are being placed in regular classrooms, wrote this note as an afterthought to the written presentation she made to the panel:

"Some additional information I just thought of on the way here: I took sign language before school started as did about 12 other staff members, including the secretary. There is a class going on now on Monday nights and many of our staff are attending.

"It seems our staff really adjusts to new things like the addition of these new students exceptionally well.

"There is also a sign language club for our 'regular' students and it seems to be a popular club."

Another kind of inservice education that is going on in some schools in all of the areas visited (but mentioned more often in California) is also a product of individual teacher initiative. It is the informal mutually helping arrangement that is operating between regular classroom teachers and resource specialists (or teachers). The resource specialist, in all three locations, works with small groups of children, providing them with individualized assistance in both academic and nonacademic areas in which they are found to need special help. The resource specialist program has been described as a back-up to the "regular"classroom teacher, or as a "half-way house" helping the mildly handicapped youngster back to that "regular" classroom; it may also serve as a source of support, enabling the student to remain in the educational mainstream and out of the ranks of the dropout.

In general, the resource specialist-student ratio is 24:1. In all three study locations, the resource specialist programs are basically similar — although there is a slight difference in nomenclature; they are resource *teachers* in Iowa and Georgia. The California model is described here because it was in California that there was much discussion about the potential value of this program as a means of inservice education for the "regular" teacher and a bridge between the two groups — special and "regular."

Each resource specialist has an aide; and the working arrangements of these two are highly flexible. They may work together with students in a resource room, or one or both may follow the child to the classroom to provide assistance with the child's instruction in that environment and to help the general education teacher work more effectively with the handicapped child.

In all three locations, the panel was told that typically, there was very little articulation between the resource specialist and classroom teacher. Although the handicapped child has an IEP, usually written by the resource teacher, quite often the program provided for him or her in the general education classroom is not coordinated with the program as delineated in the IEP. Both resource specialists and general education teachers spoke of the difficulty in arranging their schedules so that they could communicate with each other, even hurriedly, about the educational programs of their shared students.

There were proposals, however, as to how these two programs could be effectively brought together, with an inservice education side-effect, as well.

A building principal made this comment:

"My main concern is in the administration of the program, and it gets back to teacher inservice . . . under the present program, the resource specialist is the teacher who receives students on a tutorial relationship. She takes the students and those students come to her or him for anywhere from a half-hour to an hour and a half period of time . . .

". . . If we could take the resource specialist program and make that a training program for the teacher . . . if the concern is that the ('regular') classroom teachers need to be trained, what better resource than that person. The resource specialist, instead of receiving students on a tutorial relationship, would go into the classroom and help the teacher work with the individual who is being mainstreamed.

". . . If we are going to make mainstreaming work, we have to begin with the relationship that exists between that teacher and that child. And if we can use the expertise of the (resource teacher) so that the child would come in there, the 'regular' teacher would not feel threatened . . . because they don't understand the needs of students who are identified as students with special needs."

The NEA panel learned that some resource specialists do, in fact, operate on this basis, spending much of their time working with the general education teacher, and taking the child or children aside as appropriate to

meet their needs for individual instruction, counseling, or just for a "safe place."

One resource specialist spoke of her commitment to this expanded, almost dual role:

"I feel that what we need to do is to get away from the tutorial aspect of it and get into more working with the regular classroom teachers in enabling them to handle IWEN's in the regular classroom when they're not with us . . . in enabling regular classroom teachers to handle students without having to have them placed in special education of any sort. In other words, we need to train teachers so that they can handle a broader scope of abilities, handicaps, modalities. We need to increase the expertise of the regular clasroom teachers, I feel.*

"I . . . cut down the amount of time that I serve individual students on a tutorial basis . . . I see my students in groups of no more than four for approximately 30 minutes per day, 45 minutes per day, four days a week. In that length of time with that number of students, it can be either tutorial, it can be counseling, it can be a quiet talk session. For some students, particularly at the junior high level, it can be literally just a safe place where they are not having to be hassled as they are being in the regular classroom just because of peer pressure."

The potential of the resource specialist program to build bridges of cooperation and mutual understanding between the "special" and the "regular" education worlds seems to hold promise for the enrichment of both worlds through eventual merger.

Conferences and Paperwork: Where Is the Time to Teach?

". . . I have one preparation period in a day. And I also see in the neighborhood of 150 other students in that day. My day is very busy, and during that one preparation period I'm really busy. If it's a time when the special ed teacher is having a difficult time getting away from his classroom to come in and talk to me, communication just breaks down . . . I'll pass the special ed teacher in the hall and yell, 'meet me after school for five minutes,' and I'm on my way going some place else . . ."

– Classroom teacher

"The resource program works. I'm really sold on it, but there are some things we need to look at . . . The first thing that I'm concerned about is the profusion of paperwork. It seems as if I write the same information four or five different times . . . I think it's good that a lot of parents get to see in writing what we verbally spout out at meetings, and lots of times it's very helpful to see it in writing. . . . But the paperwork is gaining on me . . . every resource specialist feels that."

– Resource specialist

"I think that this IEP idea is a marvelous idea. I just hope that it will work. I think that to make it work better, time has to be allotted to it, because now the teachers have to do all the typing of their reports on their own time. There is just no time allotted. I am told by many teachers . . . that they end up doing this . . . either after school or at home in the evening. And I just hope that our board and our administration here will find some way to allot them time when the program gets underway."

– Parent of handicapped child

". . . one of the great deterrents to mainstreaming effectively is simply the time-energy demands placed on the classroom teacher. I think we all have frustration levels and I feel this is where many of the teachers reach theirs. Because of the number of observations that are required of them, because of the staffing and time requirements, because of the number of conferences that are expected of them, because of the involvement with the IEP's, the demands in terms of their coordinating with a special teacher the child's program in the regular classroom; and oftentimes, too, because of the class size and inability to devote that much time to one or two or a few special students.

". . . if there were more support staff for the teachers, if there was some way of relieving them of some of the burden listed in the items above . . . certainly they could take the time, they ***would*** *take the time, and program more effectively for the youngsters needing the special services."*

– A school principal

The lack of time itself — or the ineffectual organization of time — appears to be one of the major barriers to achievement of the education goals of P.L. 94-142. Here again is an example of the conflicts involved in meeting the worthwhile demands of the law and, at the same time, meeting the daily needs of children. Testimony made it very clear that —

- Most teachers who have responsibility for the instruction of a handicapped child (in general or special education settings) want to be involved in staff meetings when the IEP for that child is developed.
- Most teachers (including those in general and special education) want strong inservice education programs to help them work more effectively with each other, with parents, and with children who have various handicapping conditions.

* IWEN's: Individual with exceptional needs

- Both regular and special education teachers want to consult and be consulted regarding the progress of instructional programs for the handicapped children in their charge. They are fully aware of the need for improved communication between the two areas — special and general education — in order to ensure full implementation of the IEP for all children, whether in mainstreamed or separate educational environments.
- Most teachers want to be consulted and to have an effective voice in school system plans for in-service education and for special education program development.
- Most teachers want to consult and work cooperatively with parents in the planning and implementation of educational programs for all children — those who do, and those who do not, have handicapping conditions.

Most teachers want to be involved in all these matters. They know that their involvement is necessary if the goals of P.L. 94-142 are to be fulfilled. As professional and *caring* people, they want the educational programs to succeed. As professional and *realistic* people, they also know that if the programs fail, they, the teachers, will bear much of the blame for that failure, regardless of how little control they have had over the conditions that made failure inevitable.

And to complete another conundrum: one of the conditions over which teachers feel they have little control is the lack of time to be effectively involved in any of these concerns and still have time to teach.

The result, frequently, is that teachers either use their own time or, if they are resource or consulting teachers, they reduce student contact time, in order to meet as many of these demands as possible — or the demands of P.L. 94-142 simply are not met.

The Question of Accountability

"... To whom is the teacher accountable for the progress of this special child?"

– A classroom teacher

"... Some of the paperwork, the goals that teachers have to set out at the beginning of the year – I feel that these are ... intimidating to the teachers. They're kind of afraid to shoot too high because they're afraid they'll be reprimanded if the child doesn't succeed. And, therefore, maybe they set the goals a little bit lower than they would normally like to."

– Parent of a deaf child

"... a procedure needs to be developed to offer protection to teachers. This seems to be lacking to me. When an administrator refuses to support more adequate assessment services, when an administrator places children inappropriately in regular classes, when they fail to provide regular classroom teachers with special education support personnel, then the teacher should not, I believe, be held responsible for lack of appropriate educational development on the part of special education students. Now, I realize that the IEP is said to not be binding, but that hasn't been tested in court yet, regardless of what the regulations say."

– Chairman of state advisory council on P.L. 94-142

The question and comments above express well the concerns of teachers who met with this panel regarding their own accountability for achievement of the objectives and goals contained in the IEP.

The HEW Regulations for P.L. 94-142 contain a provision that should relieve some of these concerns:

"Each public agency must provide special education and related services to a handicapped child in accordance with an individualized education program. However, Part B of the Act does not require that any agency, teacher, or other person be held accountable if a child does not achieve the growth projected in the annual goals and objectives."

But a comment by HEW tends to modify this provision:

"... this section does not relieve agencies and teachers from making good faith efforts to assist the child in achieving the objectives and goals listed in the individualized education program. Further, the section does not limit a parent's right to complain and ask for revisions of the child's program, or to invoke due process procedures, if the parent feels that these efforts are not being made."

The question of accountability is one that, justifiably, concerns all persons involved in meeting the requirements of P.L. 94-142. But it is the teachers, more often than any other group, who bear the immediate burden of responsibility for a child's day-to-day performance. It is the teachers, most often, who have contact with the parents and whom the parents blame if they are dissatisfied with what is happening to their child in school.

Both regular and special education teachers raised questions about their own rights to due process if they disagree with a parent, with the administration, or with the IEP team on the placement of a handicapped child.

And teachers spoke of the difficulty they have when parents have unrealistic expectations for their child — when those expectations are too high, or when the parent, overly protective, wishes to limit a child's activities. Teachers and parents agreed that this is an area requiring great sensitivity and diplomacy on the part of the teacher, and also involving some risk to that teacher if he or she succeeds in convincing the parent to consent to the teacher's view of what the child's capabilities are.

The point was made in one location that, if general school policies are unclear, inconsistent, and unfair, and if the teacher organization itself does not have bargaining rights or does not provide a strong voice for teachers, then the teachers' protections are correspondingly limited, and their potential liabilities correspondingly increased.

Further, in all locations, there was agreement that one of the greatest protections that teachers can have, aside from organizational strength, is the strength of rapport with parents.

Program Access

"When kids tease me and ask why I have to hold the book so close to my eyes so I can see them more clearly, my friends are there to help keep my spirits up.

"I have learned to ignore such people because if people tease me they don't know what it is like not being able to see the blackboards or a new book without getting up close to it. My teachers have been really great. They can't seem to do enough for me. To get back to my first question, people are handicapped in many ways, but the ones who don't try to understand the problems of others are really the handicapped . . ."

– Visually impaired student

"Last year I began attending my neighborhood junior high. It was a confusing experience for me as well as all the other seventh graders. Almost everyone accepted my disability without any difficulty, with one exception.

"I found a teacher who eliminated me from a class project. She thought I couldn't go up and down the basement stairs, even though I was using stairs several times a day to get to my classes on the second floor. After consulting the vice principal, I was able to enjoy the class project . . .

"Another problem I experienced was the lack of a physical education program. My mother approached the vice principal in October. I found that to be my favorite class for the rest of the year. I especially like playing soccer. I do miss the weekly swimming and the physical therapy equipment that I use to have at [the special education school]. I started taking trombone lessons last year. I'm in a band this fall and I find it an interesting experience."

– Orthopedically handicapped student

"I think the biggest barrier for all the students is the self-image. The attitudinal. Architectural barriers are a real barrier, but they are the easiest ones to eliminate, too. It is a matter of money . . . I can measure the progress we have made in 17 schools with architectural barriers. It is very difficult to change emotions. You can't legislate emotions. It's hard to measure that. When I talk to the students and reflect back on my own experience, the greatest problem I see is their own self-image. If they think they can make it, then nobody is going to stop them."

– Staff associate for the physically handicapped
Heartland Education Agency
Master's degree student
Paraplegic

Barriers — whether visual, auditory, architectural, or attitudinal — are constants in the lives of handicapped students. Sometimes those barriers that separate the handicapped child from the world of nonhandicapped people are so great that a general education classroom may, in fact, be a restrictive environment, preventing them from achieving their full learning potential. Or, as has been noted in this report, for some students, integration with nonhandicapped children may be appropriate only for brief periods of times or for certain activities.

Parents and students meeting with the NEA panel told of the problems they have had — and, sometimes, the progress they had made — in their effort to surmount the various barriers that have blocked the children's access to appropriate educational programs.

The mother of a 13-year old deaf child spoke of the difficulties her daughter had experienced in moving from educational program to program and school to school, in and out of integrated settings.

- In 1971, with parental pressure, a deaf class including sign language was implemented. It was a three-year federally funded class and brought the deaf children closer to reaching their capabilities.
- In 1974, once again, with parental pressure, speech services began for all the hearing impaired.
- In 1975, two self-contained classes moved to a regular public school, where the children were integrated in gym, art, and lunch hour.
- In the second semester, integration in a math class started, but did not meet with success.
- The second year, some of the children were placed on school patrol and integrated in a math class with an interpreter present. This time it was successful, but the deaf children had difficulty working with the instruction with an entire class, rather than the individual instruction they had always experienced.

It was at this school that the deaf children encountered attitudinal barriers as well. The mother of the 13-year old daughter said:

"My personal opinion of their two years in that particular school was that it had some good points and some bad. I feel the children have grown socially and do act more like other children of their age groups.

They are not as bashful or see themselves as the poor little deaf children. We did feel that more could have been done to make the other children and teachers more understanding of them. We understand they were referred to as being dumb, and just generally misunderstood when playing on the playground. It was found that with an interpreter available, the problems could be smoothed out. The children really did not intermix well with the hearing children, but there were a few exceptions."

During the current school year, the daughter has been placed in a self-contained classroom except for gym, art, and diversified learning. The mother was concerned that her daughter, who has a third grade reading ability, has been integrated into a 7th grade math and English class. The services of an interpreter were available, but the mother's uncertainty about the appropriateness of the child's placement was obvious. The daughter, on the other hand, expressed a preference for being in the 7th grade class with other students her age, although she admitted having trouble keeping pace with the academic work.

The barriers remain; the child and her mother continue to cope. Other students, the mother said, are accepting of the deaf children and are taking signing classes after school. But the choice for the profoundly deaf child between the isolation of silence in a hearing world and the ready communication with others who are deaf in a protected environment is a choice that cannot easily be made:

"Deafness involves much more than the inability to hear. It is difficult to gauge the full severity of the handicap. Hearing impairment separates the child, not from things, like architectural barriers, but from people . . .

"Deaf children may well be isolated islands in the mainstream, physically present, but intellectually absent. The blind or orthopedically handicapped may hear the teacher, their schoolmates, the visiting speaker, the educational film, the guide on a field trip, the casual conversation during recess, lunch hour, on the playground, during non-school hours; the deaf child simply cannot hear."

– Merv Garretson, Assistant to the Dean of Pre-College Programs, Gallaudet College, quoted in "Mainstreaming Deaf Children: A Step Forward?" Muriel Horton, Disabled USA, Vol. 1. No. 3, 1977. The President's Committee on Employment of the Handicapped, Washington, D.C.

For the orthopedically handicapped children, one of the most difficult barriers to education is the hardship of being transported to the school. NEA panel members had expected to find the problem of lengthy bus rides in the rural areas of Iowa; and their expectations were justified. But school transportation problems were found to be prevalent and severe in each of the locations visited. Severely orthopedically and multiple-handicapped children were found to be traveling for periods of more than one hour each way to and from school. Only some of the buses are equipped with hydraulic lifts and fitted out inside for the comfort of physically handicapped youngsters.

- The parents of one orthopedically handicapped child had to design and build a bus seat for her and place her on the bus themselves because the bus drivers refused to lift the child. The total length of time on the bus round-trip was two hours. There was no breakfast served at the end of the trip and no aides provided during the trip.
- Handicapped children on another bus route traveled approximately one hour and 15 minutes, after which there was a transfer and another ride of 15 or 20 minutes.
- One child has to travel approximately three hours a day in order to get to a special school only for the purpose of receiving physical therapy.
- Thirty to sixty mentally retarded students are picked up at their homes, transported to a transfer point, placed in a big bus and carried to their school. Some of them ride the bus for over two hours. The funding for aides on the buses has been cut, so there is no supervision. Children have been physically abused by other children. The location of the transfer point is dangerous. Foul weather makes the transfer even more difficult for children who are already operating under extreme difficulties of handicapping conditions, fatigue from the long ride, and in some cases the effects of prescribed medication.
- Some children are on the bus as long as two hours, others for an hour and a half one way, getting out of school at 2:00 p.m. and arriving home at 3:30.
- One parent drives her son to school and brings him home in order to avoid a bus drive of two hours (to travel 10 miles) each way. Medication must be given during that time and possibly some nourishment. This is a bus that transports multiple-handicapped youngsters and children without handicapping conditions. No aides are on the bus.

In all three locations, the panel found seriously handicapped children having to spend one to one and one half or two hours each way on buses without aides and without any provision to make instructional or recreational use of the time.

In some locations, the bus rides are necessary because each district does not have every kind of needed special education program; thus the districts share their programs. A visually-impaired program will be offered in one school system in North Santa Barbara County and an orthopedically handicapped program will be provided by another district. The sharing of programs is no doubt logical and economical. It also happens to be extremely hard on children. The same principle holds true for the different schools within a single district; some schools offer one particular special education program, and other schools offer another kind.

The existence of architectural barriers at many schools is another factor that makes it necessary to transport orthopedically handicapped children excessive distances to the few relatively barrier-free schools where they can have access to educational programs. This means that the longest bus rides are often reserved for those who are least physically able to bear the strain of the long trips.

The length of the trips in Savannah-Chatham may be unduly long as a result of the busing patterns resulting from court-ordered desegregation. Further, the NEA panel was told, another result of desegregation in this area was that for a number of years no buses were purchased; and it takes some time to catch up with the current need.

The annual per pupil transportation cost for a handicapped student was estimated by an Iowa school superintendent to be $575, compared to $120 for a nonhandicapped student. The NEA panel was surprised to find that in all of the locations, very slight use is made of station wagons, vans, and other alternative transportation modes to transport handicapped students.

The panel did learn, however, of one instance where a rather novel means of dealing with the transportation problem was in use. This involved the part-time exchange of residences between two handicapped students. In order that each could have easier access to the school in which the program they needed was being offered, the students exchanged homes for several days each week, thus eliminating the need for a lengthy bus trip for either student.

In all of the locations, specialized programs, including physical and occupational therapy, are provided, to some limited degree, by itinerant teachers, consultants, and other professional support personnel. In no district were these programs considered to be adequate to meet the needs of the children. In Savannah-Chatham Public Schools particularly, the need for expanded physical and occupational therapy programs is severe. The system employs only one occupational and one physical therapist to work with all children needing these services. Although insufficiently staffed, these programs are transported to the students instead of the reverse. A van, equipped to accommodate both programs, has been acquired by the system, thus making the programs available to the various schools where they are needed.

Involvement of Parents in Education Planning: Rights, Needs, and Expectations

"From a parent's perspective we welcome involvement in the development of the individual education plan and the due process and appeals procedure; however, it can be frightening. Parents need assistance and training to participate meaningfully in the development of an individual education plan for their child. They need to understand due process procedures and what happens at a hearing."

– Executive director
state association for retarded citizens

"I feel that many times there is eagerness of well-meaning [school] people to enroll children in handicapped programs and get the students in special education – but with disregard of the parents' understanding of special education . . . with disregard of how the child feels and how he is affected.

". . . another concern is parent involvement. I feel that there isn't enough effort to talk to the parents, to help them understand, to help them deal with the youngsters. There is no real involvement with the Spanish-speaking especially."

– Chicano parent of handicapped daughter; volunteer advocate of migrant parents of handicapped children.

"The parents are the main educators of children. You are supposed to see that your children are educated. It has been a constant battle and sometimes I have had to say, 'Excuse me, I don't mean to be pushy, but I want my child in your class. I want my child to be tested, or whatever . . .' Parents . . . have to go to the school if their child is not doing well . . . But a lot of parents just sit back, and all of a sudden now people are suing the public schools and saying my child is graduating and he doesn't know how to read. I feel like saying, 'Where have you been? You didn't know he doesn't know how to read?'

"I guess you have to start with the parents somehow."

– Parent of deaf child

If parents are self-confident, if they are wise in the ways of the bureaucracy, if they are not baffled by the language of educators (as educators themselves sometimes are), and if they are not too harassed by job pressures or by the lack of a job, by the mere struggle to survive — then those parents may indeed find it within themselves to be "pushy," to demand that their concerns be recognized, and that their own informed visions of their child be taken into account when decisions are made about the child's education.

Most of the parents with whom this panel met were middle- or upper-middle-class, well-informed people. Most of them appeared to have the self-assurance and security that would enable them to deal as equals with the officials of the education bureaucracy. And yet many of them told of years of frustration and struggle to try to obtain for their children what they believed to be an appropriate educational program. They stated that the situation had improved vastly with the passage of P.L. 94-142 — but that still they could not relax their vigilance.

Most of the parents interviewed by the panel showed that they understand the rules of the system; when the public school establishment fails to comply with the law or with its own regulations, they are aware of the noncompliance. They know how to challenge. They are aware of their due process rights and they have learned how to use those rights.

But with all the laws and rules and regulations and structures for due process and parent involvement, the system of special education — like the traditional educa-

tion system — is not working well for, and is not effectively involving, those parents who do not fit into this middle-class American mold. The NEA panel does not suggest that malice or conscious discrimination is at the root of the problem; rather the problem is rooted in the long entrenched barriers of class and caste that still divide the different economic, racial, and cultural groups in our society — and the difficulty that each of these groups has in understanding the ways of the other.

These barriers and failures of communication were, in fact, reflected in the study procedures of the NEA panel. The meetings were held in open session in comfortable hotel settings. The panel itself, with staff assistants, was positioned rather formidably on a raised platform at one end of a large meeting room. All the accoutrements of a formal administrative hearing were in place: microphones, court reporters and, at times, newspersons and television cameras. It should not have been surprising, therefore, that these meetings attracted very few of the people who have been aggrieved by the system, alienated from it, and intimidated by it.

Several Chicano parents did come to the NEA meetings in Santa Barbara; they spoke in private session with two of the panelists and a staff assistant. And there were several spokespersons for migrant parents who testified at the open meeting. In Savannah, one black teacher, quoted earlier, did speak as a witness to the plight of the poor and black young people who, in disproportionate numbers, are suspended and placed in special education classes.

It is ironic that the very provisions of P.L. 94-142 itself, designed to safeguard the rights of individuals, tend to set up structures and procedures that, not unlike the format and procedures of the NEA panel's meetings, are confusing and intimidating to the people most needful of the law's protections. The IEP meetings and the due process formalities of P.L. 94-142, as they are conducted, exemplify these conflicting outcomes.

And there are other pressures that, despite civil rights laws and minority rights movements, continue to impose silence on those who are oppressed. For the Chicano farmworker — migrant or otherwise — those pressures come from the farmers and landowners on whom they depend for employment, and often for a place to live. Most often, the positions of judges, jurors, bankers, and school board members are either held or influenced by the Anglo landowners.

In all parts of the country, with all minority and majority groups, similar pressures exist, although they may be more subtle than the pressures exerted over the Chicano farmworker in California. And this will always be so, as long as one dominant group has a monopoly on the power to employ and to fire, to rent and to evict, to lend and to foreclose, to try and to convict — in other words, to control all the institutions that can control the lives of those who are without power.

The IEP: Communication Barriers

The general format of the individualized education program (IEP) staffing and evaluation procedures has already been described. The Santa Barbara plan, as noted earlier, is the most elaborate one, with its three levels of assessment and decision-making. Basically, however, the IEP procedures, as written in all three locations, are in compliance with P.L. 94-142.

At all three locations, however, instances were reported when, in actual practice, the letter of the law is quietly evaded, although its spirit is retained. There are other times when the reverse is true; and, according to the testimony of some, there are times when neither the spirit nor letter of the law is honored.

An example of the first instance: Decisions on the placement of a handicapped child in a regular classroom are, according to the law, to be made at a meeting which includes, at least, a representative of the school system, other than the child's teacher, who is qualified to provide or supervise the provision of special education; the child's teacher (regular or special, or both), one or both of the child's parents and, where appropriate, the child.

- The panel heard testimony from many people that it is fairly common practice in many schools for such a placement decision to be made informally, on a one-to-one basis by the resource specialist or special education teacher in consultation with the person whom they wish to have as the receiving teacher. The informal, personal approach seems to work well. It indicates that the relationship between the special and regular education personnel is mutually supportive. It provides some assurance that the receiving teacher is positive in his or her feeling about accepting the handicapped child. And the formal confirmation of the arrangement can be made, in full accord with the letter, as well as the spirit of the law. Testimony suggested, however, that in such instances, the IEP meeting is little more than a *pro-forma* procedure.

Compliance with the letter and not the spirit of the law has to do with the failure to involve either the parent or the teachers who are slated to receive the handicapped children in their general education classroom. Regular classroom teachers in one location told the panel that they do not even receive copies of the IEP for the children who are assigned to their classes. They have formally requested that copies of the form be made available to them.

- Testimony indicated that parents are not adequately brought into the process even though the prescribed notifications are sent to them, nor are their rights to challenge a school decision made clear to them. The panel heard statements from parents that the notices they receive are written in such complex terms that they feel highly uncertain of what they are signing. The sin of the school system — if it is a sin — is one of omission; it is a failure to make the necessary, and often tedious and difficult effort to reach out to the parents who are unfamiliar with the kinds of language used in the notifications or whose primary language is not English.

Two statements to the panel suggested how this can happen and what its effects can be. The first was from a person who was speaking for migrant parents. First she explained that the Chicano parents think of "special education" solely as something for retarded children. Thus, they dread it and fight any special education placement. She told the panel:

"Other parents . . . say 'I refuse to believe that my child is retarded.' What you say special education is and what I know as special education, is not what our community knows that special education is."

Q. What do you blame?

"I think it's your lack of communication, and I don't mean by letter – because the letter that your're communicating is written in Spanish. A lot of parents do not know what you're saying in that letter. They have brought it to me in Spanish and said, 'Will you please read this letter? I know it's in Spanish, but I don't know what it's saying.'

"It's just that they're unfamiliar with some of the terms possibly, or unfamiliar with even the regular school procedure and systems."

An example of such misunderstanding and of the possible misapplication of the law — certainly an abridgement of its spirit — was provided by a Chicano parent who met with two of the panel members in private session. She spoke in anguished tones about her handicapped son who had been classified as severely mentally retarded. The mother and her son spoke no English; and many of the people with whom they attempted to communicate in the schools and other institutions spoke little or no Spanish.

Her son, she said, had attended three different schools last year. Each time he had been placed in a class, the special education program to which he was assigned had been moved to another center; and he had to follow. This had caused severe transportation problems for the family.

Over and over again, the mother said that her son was not as mentally retarded as the school claimed. She repeated, "he knows a cup, a chair, or a house, when you ask him to identify them."

When asked if her son spoke English, she said, "No." When asked if his special education teachers spoke Spanish, she said, "No." When asked who administered the test determining the proper placement for her son, she said, "The special education teacher." The daily instructions for her son, she said, were given to him by a bilingual aide who came to the class each day for two hours. During that period — and only during that period — her son received some assistance in his native language.

When asked about her opportunity to confer with school people concerning her son's program, the mother said that at the beginning of the school year, a teacher came to visit her home. She thought the lady had come to explain something about the special education programs, but because the lady spoke no Spanish, and she spoke no English, there was no communication. The lady gave her a form and a pencil, and the mother signed it, not knowing what it was.

Another member of the group, a migrant education health aide, told the two panel members that Chicana women are selected to work as aides in the system at very low salaries. The women have no authority to work with the Spanish-speaking handicapped students or any student in any instructional capacity. They duplicate materials, decorate, escort students to restrooms, and help teachers keep files together. They assist the Chicano special education students by translating simple directions — "move to the door," "pick up your coats," "eat your food," "sit down," or "stop misbehaving." They are not trained, the panelists were told, and cannot perform any other duties in the class.

After the site visit, a staff assistant to the panel spoke with special education administrators in the area and, without divulging the name of the parent or the school system or the nature of the handicapping condition, discussed the situation that the mother had described.The staff member who was told that, while such a situation might exist, it would be highly unusual. The NEA staff member was reminded that all written communications to parents are in their native language and that, under usual circumstances, any visit to a Chicano parents' home would be made by a bilingual teacher or, at least, that teacher, if not bilingual, would be accompanied by a bilingual aide.

The woman's distress, however, was unmistakeable; her sincerity was evident.

For their part, special education and resource program personnel in all three locations told of their repeated efforts to make effective contact with parents— sending them the written communications; when that fails, telephoning; and when that fails, making personal calls. Some teachers told of spending many after-school hours in this effort. And many of them stated that their efforts proved fruitless.

It is difficult to know how much the school system can do. What is clear is that the schools are not now staffed or programmed to involve the parents in IEP development. And such involvement is crucial — not simply as a matter of altruism. The parent's involvement is crucial to the success of the school's effort to educate the child: for special education, more than any other part of education, cannot be confined to a five or six-hour day. The parent's involvement in the IEP is crucial, because the parent bears a large part of the responsibility for continuing the educational program in the home. Testimony that panel members heard at all three locations clearly demonstrated the need for a systematic and humane program of parent education. But the panel could find no evidence that such a program is in operation at this time.*

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* *NOTE*: A common misinterpretation of P.L. 94-142, has led to some distortion of its intent. Representatives of handicapped advocacy groups in one location told the panel that the IEP content, as developed in their area, included only those programs, services, and facilities that were available. The law itself, which is not entirely clear, has been interpreted by the Bureau of Education for the Handicapped to require that the IEP contain a statement of *all* the services, programs and facilities necessary to provide an *appropriate* public education — that is, as needed by the child, determined without regard to the availability of those services.

The Need for Early Childhood Intervention and Parent Counseling

"Counseling services to parents should . . . begin much earlier so that parents can learn about the handicap and set realistic goals for their child. Training parents how to help their child is the first step in the child's education. Therefore, I feel that a law including counseling services for parents is needed.

"Learning is such an important aspect for a handicapped child that sometimes it seems every minute counts. They need to learn so badly that an 11-month school seems appropriate for them. This would also mean a strengthening of the law."

– Parent of a cerebral palsied child

". . . We want a team to come into homes to help us learn how to work with our children. We understand that this now is being provided, that they are trying very hard to identify the children and they are going to start a program of early home intervention."

– Mother of visually impaired children

Many parents spoke of the trauma of having a handicapped child, of the sense of aloneness, of not knowing where to turn for help, and of repeatedly having their concerns for the welfare of their child belittled and ignored by doctors, medical centers, and social service agencies. They recalled years of bitter struggle to have their child's disability diagnosed and treated, and then of more years seeking some kind of educational program and therapy for that child. They spoke of the enormous, and sometimes intolerable, stress that had been placed on marital and family relationships. They expressed a desperate need for counseling and for early home intervention in meeting the educational needs of their children.

It seems clear that no legislation has ever imposed a more pressing demand for the humanizing and the cooperation of public institutions. The public schools can meet some of the needs that the parents expressed, but they probably cannot meet these needs effectively without the active cooperation of other similarly concerned public and private agencies. If such public and private inter-agency cooperation can be achieved — if the various agencies can overcome their customary sense of territory and work together — we will truly have made progress toward a more humane society.

IV. FUTURE DIRECTIONS

Each effort to serve a newly demanding minority further underscores the need for general educational reform.

If all states and public school systems in the country were now in full compliance with Public Law 94-142, we would not have to look to the future for general educational reform. Such reform would already have occurred; and its magnitude would be almost beyond our current range of vision. Among the changes that would have taken place would be the following:

- No children of any age, on account of handicapping conditions, would be denied access to an education appropriate to their needs, abilities, and aptitudes.
- The entire system of student testing and evaluation would have been transformed. No longer would children be mislabeled and educationally misplaced because of how they have scored on standardized I.Q. tests that discriminate on the basis of race, culture, or language — or that reveal more about a child's communicative, sensory, or other impairment than they do about his or her potential aptitude and ability.
- All "regular" classroom teachers would have been provided with the basic skills and understandings to help them deal humanely and effectively with diverse behaviors and learning styles. Their academic preparation and inservice programs would truly be relevant to the real world of the classroom. As a result, they would be able to work more successfully, on an individualized basis, with *all* children. And the need for special education placement of many handicapped children — particularly those who are minimally handicapped — would be sharply reduced.
- Schools would have become places where educational programs and schedules are adapted to the changing and varied needs of children. Such modification to meet individual needs would not have "watered down" the curriculum, but rather would have humanized it.
- Money would be made available as needed to support special education programs, but not at the expense of "regular" education. For unless sufficient funds are provided to support the total education program, the full educational opportunity goals of P.L. 94-142 will not be achieved: Special education programs exist within the context of general education; and the law calls for their integration with general education to the maximum extent appropriate. Thus, if the general education program is deficient — as it is now — those deficiencies will inevitably be reflected in the educational opportunities available to children with special educational needs.

Utopian as such conditions may seem, they are no more than will have to exist if the mandate of P.L. 94-142 is to be fulfilled. In fact, as special education programs begin to expand beyond the capabilities of school systems to contain and accommodate them, the need for much greater flexibility and for much more dramatic changes in public school education will become more vividly apparent.

The demand for educational reform is far from new; and with every decade of American public school education, there have been "new" theories and "new" promises of reform in response to those demands. Yet, in 1978, public schools across the country remain, in the most basic ways, much the same as they have been for many years. With all the fragmented, perhaps too soon discarded educational experiments that have been tried, most schools are still locked into the 180-day, ten-month school year, the six-hour day, the 50-minute hour. Most schools retain a lockstep graded structure and a compartmentalized textbook-centered curriculum. Moreover, in response to the recent popular demand for a return to the "basics," a current educational trend seems to be to revert to the authoritarian, inflexible pedagogical techniques of the earliest of bygone days.

In brief, most schools are not structured or programmed to respond to the diverse educational needs of their non-handicapped students; much less are they able to accomplish the far more challenging task of providing individual programs tailored to the special needs of children who have various handicapping conditions.

The suggestions that the NEA panel makes in this section are specifically directed to the education of handicapped children. It is the panel's belief, however, that many of these suggestions have broad and useful application to all phases of public schooling, which could result in the beginnings of general education reform.

The NEA panel does not claim that the ideas it presents are new. In some instances, the panel recommends that school systems simply comply with the provisions of P.L. 94-142 — a recommendation that, if carried out, would result in the most sweeping educational reform of all. For this law, unlike other education rights laws, does not merely call for equality of educational opportunities; it calls for a public school education that is *appropriate* to the individual needs of each handicapped child. There has never been such a mandate before. If indeed it is fulfilled, it will ultimately have to be fulfilled for all children — or the non-handicapped may claim that they themselves are being denied equality of educational opportunity.

It is important for all involved agencies and concerned individuals to realize that public schools alone cannot ensure compliance with this law. They will need the support and cooperation of other institutions — most particularly of higher education institutions and state education agencies — and of parents.

Recommendations

The NEA panel makes the following suggestions and recommendations for action by teachers, teacher organizations, school systems, state departments of education, higher education institutions, and parents and advocate organizations, in the hope that they will be of substantive assistance as these groups work in their own enlightened self-interest, and in their common interest, to improve educational opportunities for all handicapped children.

Child Identification

The NEA panel urges that state departments of education, in cooperation with intermediate education agencies where they exist, and local education agencies:

- Mount a vigorous, systematic program to locate, identify, and evaluate children who are now out of school and in need of special education services.
- Concentrate the child find effort, not only on preschool-age children, but also on locating school-age handicapped children who are not now being reached by any educational program.
- Make a special effort to locate and identify handicapped children among the groups who are most out of sight in America: migrant children, children who live in isolated rural areas and inner-city and suburban low-income areas, and non-English-speaking children of all races and ethnic groups.
- Make use of the Migrant Student Record Transfer System (MSRTS) in the effort to locate and identify handicapped migrant children and to request the Migrant Education Branch of the U. S. Office of Education to expand the MSRTS code list to identify and serve migrant handicapped students.

Student Testing and Evaluation

Despite the procedural safeguards of P.L. 94-142 and earlier civil rights legislation and court decisions as well, the misclassification and consequent miseducation of poor and minority children continues in this country. If those children have handicapping conditions as well, their handicaps are rendered doubly debilitating by their educational losses.

In order to minimize such losses, the NEA panel recommends that:

School systems –

- Eliminate all use of group-administered, norm-referenced standardized tests.
- Adhere to the testing and evaluation requirements of P.L. 94-142 in the testing and evaluation of *all* children — not only those already in or being considered for placement in special education.
- Require that school psychologists and other test-givers compare each child's test performance, not only with the performance of the general school population, but also with the performance of other children of his or her general educational, cultural, ethnic, and racial background.
- Develop an active, continuing program to recruit bilingual teachers, psychologists, and other specialists, who understand the culture as well as the language of non-English-speaking students attending the school.
- Recruit and train, as appropriate to the needs of the students, bilingual aides who are familiar with the culture and language of the students.

  In communities where blacks or other ethnic minorities comprise a substantial proportion of the student body, the same recruiting effort should be made toward recruiting teachers, psychologists, and other professional specialists of corresponding racial or ethnic groups, and toward the employment and training of black or other minority group aides.

State departments of education (and intermediate education units, where they exist) –

- Assume full responsibility for monitoring the testing instruments and procedures used by local education agencies to ensure that they are not racially or culturally biased in effect.

Staff Development Needs: Preservice and Inservice

The NEA panel is convinced that no single factor is of greater importance to the successful implementation of P.L. 94-142 than the appropriate education of the staff members who will have central roles in the education of handicapped children. State departments of education and local education agencies should develop plans for preservice and inservice education of general and special educators, as well as paraprofessionals and volunteers, so that a team process and concept can develop, and so that all members of the team can learn to work well with each other, and with the children in their charge.

The panel recommends that:

State departments of education, intermediate education agencies, where established, local school systems, teacher organizations, and teacher education institutions –

- Work together to develop preservice and inservice teacher education courses in special education that are of clear practical value and relevant to school and classroom realities.

  Such courses should not be confined to academic theory, but should include field experience and opportunities to discuss that experience with colleagues, practitioners in the field, and instructors.

The programs should also include assistance in shaping attitudes and sensitivities that will enable teachers to overcome prejudices and fears and to relate more openly and effectively with handicapped persons. Practical skills such as sign language should be part of the program.

State commissions on teacher licensing and certification –

- Work together with state advisory councils on special education to revise teacher certification standards to require special education course work designed to prepare general education teachers to work with handicapped children in general education classrooms.

  Such courses should include programming to help teachers prepare non-handicapped students to respond naturally, openly, and with sensitivity, to handicapped students as classmates.

Higher education institutions –

- Work aggressively to recruit bilingual and minority undergraduates and graduate students into various special education programs and into such related professional fields as psychology, psychometry, occupational and physical therapy, audiology, counseling, health service professions, and adaptive physical education.

Teacher organizations –

- Immediately conduct teacher needs assessments for inservice education to design proposals for teacher center programs, enlisting the cooperation of local education agencies in submitting such proposals to state departments of education.
- Contact NEA Instruction and Professional Development for needed information to develop teacher center program proposals and applications.
- Work, through bargaining, or through consultation with the local education agency, to formulate creative practical programs of continuing inservice education.

  One promising inservice resource is the resource program itself. When the resource teacher works with mainstreamed children in the regular classroom, three important purposes can be served: (1) the handicapped child receives the special assistance he or she needs to cope with day-to-day classroom activities; (2) the resource teacher consults with, advises, and provides a form of useful inservice education to the "regular" teacher, to assist that teacher with the mainstreamed student; and (3) the cooperation of the "regular" and special education teacher ensures that the activities of the child in the "regular" classroom are in harmony with all other components of his or her IEP.

- Develop, through bargaining, or consultation with the local education agency, practical programs of training of paraprofessionals to provide the kinds of services that teachers and children need in order to sustain an effective program of special education.

  Such programs might be conducted entirely by the school systems and might be staffed by general and special education teachers on release time; or the schools might contract with nearby community or junior colleges for instructional services.

The Problem of Time

P.L. 94-142 has imposed enormous demands on teachers' time. Over and over again, both general and special education teachers spoke of the desperate need for time —

To confer with each other in order that mainstream programs can be coordinated with the total IEP's for handicapped children.

To attend IEP conferences.

To do the massive amounts of paper work involved in IEP development, student evaluation, parent notification, and other reporting.

To confer with parents.

To participate in inservice education programs.

To teach children, to prepare for classes, and to do all the paper work connected with instruction.

Many of the time demands are new and are the direct result of the implementation of P.L. 94-142. But the problem of time to teach and to carry out all the other nonteaching responsibilities of teachers is not new. It is a very old problem, and one that has long been grossly underestimated by a public that has decried teachers' "short hours" and "long holidays."

The fact is that, now more than ever before, the hours in a full day — not just the hours of a contractual working day — are not enough to allow teachers to do all those things that they must do in order to enhance the quality of their time with students.

Since the hours of the day cannot be stretched any further, it appears that the time has come — and is long past due — for the school schedule itself to be made more flexible.

The NEA panel suggests that there is nothing so sacrosanct about that schedule that it cannot be changed to accommodate the legitimate needs of teachers and of the education program itself. A reduction of student-teacher contact hours would permit teachers to obtain the inservice education programs that they need in order to be effective teachers, to partic-

ipate in staff conferences, to do the necessary paper work and to communicate more fully with parents — a crucially important part of the implementation of P.L. 94-142.

The NEA panel suggests that there are several alternative scheduling arrangements that could alter the rigid compartmentalization of the school schedule and improve the quality of student-teacher contact time as well. Among these might be: the staggering of teacher schedules with students, so that every week, all teachers would have one free day to perform the various tasks and staff development activities for which there is not sufficient time. Varied activities for children could be arranged that would involve learning, but would not require as many teachers to be on duty as the traditional schedule requires. Field trips; film programs; recreational and varied extracurricular activities; various kinds of therapy for children with handicapping conditions; counseling programs for children who, under the current rigid schedule, need more counseling than they are able to get at school — all these are the kinds of activity that might be planned and might be far more productive for teachers and for students than the staleness of the unchanging five-day schedule.

The NEA panel recommends that:

Teacher organizations –

- Develop proposals for flexible scheduling to reduce student-teacher contact hours and allow more time for teachers to carry out noninstructional responsibilities that are essential to the educational program.

  The proposals might be appropriate for submission as bargaining items by local associations. Some proposals involving major scheduling adjustment might require state board or even legislative action. In this case, state associations should be consulted as the proposals are developed and should make the appropriate presentations at the state level.

State education agencies, in order to reduce the burden of paper work and to develop some uniformity of IEP forms —

- Establish certain basic standards for the kinds of information that IEP's, parent consent, and student evaluation forms require.
- Standards set should result in forms with language that is concise and direct, that request no unneeded information, that do not duplicate other forms, and should produce as few forms as possible to meet P.L. 94-142 requirements. Forms designed by local agencies should meet these standards; state-prepared "model" forms should be available, but not imposed, to assist local agencies to streamline the process and provide some uniformity within the state.
- Cooperate with other member states in the Education Commission of the States to work toward some basic uniformity of IEP forms throughout the country.

  Some consistency in these forms might reduce the amount of paper work and could facilitate the provision of appropriate services to handicapped children who transfer from one state to another.

Class Size

Studies have been conducted which tell us that class size makes very little difference in how children learn. But most of those studies have failed to conduct research on class sizes small enough to make such a difference. The experience of teachers, and the logic of numbers, time and motion, make it abundantly clear that the more children assigned to each teacher, the less time each teacher can spend with each individual child. In some purely lecture classes, the number of students present may not make a significant difference in how much they can learn; but in classes that involve student participation, the smaller the numbers the more each student can participate — and the best learning often comes through participation. Further, when there is wide variance in the reading and other skill levels of students in a class, the more individualized attention each student generally needs. Conversely, as the number of students in such classes increases, the amount of individual attention that each student receives is generally decreased.

These are the major arguments in favor of assigning a weighted enrollment factor to handicapped students assigned to general education classrooms. Opposing arguments tell us that to count one child as one and a half, or two, or three children, because of the nature and severity of a handicapping condition is stigmatizing to a child who has already had to bear the stigma of the "special education" label.

The NEA panel cannot recommend a formula for the counting of mainstreamed children with handicapping conditions. It is the panel's view that there are many variables that argue against the establishment of a formula in this instance, as in so many others that concern the human interactions of teaching and learning.

It is the panel's view that such matters as these must be determined on an individual basis, preferably through agreement between teacher organizations and local education agencies.

The NEA panel does recommend that:

Local education agencies –

- Refrain from placing any children, and particularly handicapped children, in classrooms that are crowded.
- Ensure that appropriate supportive facilities, aides, and other support personnel, such as resource teachers, teacher consultants, or therapists accompany the handicapped children assigned to general education classrooms.

The kinds of support facility or personnel assigned to the classroom would, of course, depend on the nature and severity of the child's handicapping condition. One example of an essential support would be that an aide who can communicate in sign language accompany the profoundly deaf child who is mainstreamed. It might also be a more appropriate placement to have two deaf children placed together, along with a signing aide, in the general education classroom, thus perhaps lessening the feeling of isolation that a deaf child alone in a roomful of hearing classmates would experience.

Teacher organizations, through bargaining or consultation —

- Ensure that the appropriate support services, personnel, and facilities are placed in a general education classroom to meet the needs of the mainstreamed children.
- Ensure that the children in all classes be kept to a number that does not obstruct teaching and learning; and that the size be determined as appropriate to the nature of the class itself — as is the way class sizes are determined for special education classes.

Teacher Accountability and Due Process

The individualized education program is not a contract. Thus, neither teachers nor school officials are automatically liable for failure to achieve its stated objectives. But nothing in the HEW Regulations for P.L. 94-142 denies the parents' right to complain, to ask for revisions of a child's program, or to invoke due process procedures if the parent feels that good faith efforts have not been made to fulfill the IEP objectives.

In almost all instances, however, unless there is clear evidence of negligence on the part of the classroom teacher, the school system bears legal obligation, not the teacher, for any harm that may come to a child in the school, or in the case of litigation challenging the child's educational placement.

But it is the teacher who most often bears the brunt of parental dissatisfaction with educational programs. It is the teacher who most often bears responsibility for discussing with parents the progress of their children and sometimes for persuading them to relinquish unreasonable expectations, or to consent, sometimes with reluctance, to certain activities for their children. Finally, it is the receiving teacher who is first made aware of the inappropriate mainstreaming, or other placement of a child in his or her classroom.

All of these situations place teachers in a position in which they understandably want the assurance of due process. They will not find such assurance in the provisions of P.L. 94-142. It is a law advancing the rights of students and parents — not teachers, not administrators, not school systems.

Teachers must look to their own organizations, to the provisions of their contract or of law or local or state board policy for the protections of due process. But they must also look to parents and parent groups for another kind of support.

The NEA panel recommends that:

Teacher organizations –

- Seek to ensure, through bargaining or consultation, an equitable grievance procedure, with full due process rights, and further to ensure that this procedure is available for settlement of disputes regarding implementation of P.L. 94-142.
- Seek coalitions with parent and handicapped advocate groups and other concerned community organizations.
- Formulate and maintain an effective program to inform the public of the position of teachers on various public issues, to assure parents and other organizations and members of the school community that teachers are concerned as professionals, and as caring people about the educational advancement of all children — those who are handicapped and those who are not.
- Encourage productive interaction between special and general education teachers — through workshops and various inservice education programs that would bring the two groups together.

  Their professional organization is an important source of power to teachers, but that power can be seriously diluted when teachers within the organization are divided, or when the teacher group does not have the support or trust of parents.

Program Access: Transportation

The most important thing that can be done regarding transportation of handicapped students is to shorten the length of the trips. But until special education programs are more widely available, and until school systems progress further toward architectural barrier removal, some excessively long trips will continue to be necessary. Unfortunately, because of the prevalence of architectural barriers, some of the longest trips will be imposed upon those orthopedically handicapped children, including the multiple-handicapped, who can least bear the strain of the trips. It is essential that school systems do everything that can be done to make the trips as comfortable and stress-free as possible, to ensure their safety, and to seek educationally productive alternatives to the long journeys.

The NEA panel recommends that:

Local education agencies –

- Deliver the educational services to the students, wherever possible — through the use of itinerant teachers and consultants and through the use of vans, as were used in one location, to transport

occupational and physical therapists and their equipment.

- Employ trained aides to accompany handicapped children on all forms of transportation. The aides should be trained to have understanding of and sensitivity to the problems of children with various handicapping conditions. They should be able to speak and understand the language or modality of the children in their charge and should be taught how to provide physical assistance to orthopedically- and multiple-handicapped and blind children, as well as those who have other kinds of disabilities.
- Make use of alternative transportation modes to the big yellow bus. Such alternatives might include vans, station wagons, and taxis. All forms of transportation should be properly equipped for the maximum comfort and safety of handicapped children.
- Introduce various instructional or recreational activities for the children who must ride for excessively long distances, including musical and other kinds of recordings.
- Provide information to students and their families that might facilitate student exchange of housing for several nights during the week in order that each student could, for that length of time, be in close proximity to the school providing the educational program he or she needs.
- Join with other agencies and organizations to try to get more money for architectural barrier removal and to support the establishment of the necessary special education programs in more schools and school districts.

  Many architectural modifications can be made with small amounts of money through the help of custodians and the volunteer help of students and parents. The carpentry and other necessary work could be a valuable part of the vocational training of students.

School-Home Communications

The passage of P.L. 94-142 points up, as perhaps no other legislation ever has, how crucially important it is for school systems to find new ways of reaching out to and communicating with parents. Parents must be involved as partners in planning the individualized educational programs for handicapped childen. If those programs are to be successful, the parents must also be involved in their implementation. In fact, for some handicapping conditions, the IEP cannot be complete without the active cooperation of the parent. Thus, school systems must not only communicate with parents of handicapped children; they must make educational programs and counseling services available to those parents to help them carry out their part of the IEP and, also, to help them cope with the traumatic reality of the handicap of their child.

But it is important to recognize that parents and parent leaders have responsibilities too — not just to make demands of the school system, but to help each other and to help the schools maintain effective communication with parents.

The NEA panel recommends that:

Local education agencies –

- Reduce their traditional dependence on written communication with parents of handicapped childen — particularly with those who belong to minority groups and with those whose primary language is other than English.
- Establish an active school-home communication program that includes (1) home visits; (2) counseling and training of parents at home or at school as necessary; and (3) continuing person-to-person communication with parents in their native language and modality — preferably by a person of their own cultural and ethnic group.
- Employ and train for these purposes aides from the school community, who clearly have the trust of their neighbors and who can speak as parent and child advocates. It is important that the aides be from the community and that they be able to interpret for the parents if they are monolingual in another language than English, and to sign for them in their language if they are deaf.
- Establish programs of teacher (general and special education) communication with parents also. If the teachers are monolingual English, they should be accompanied by the bilingual aide at any meeting with parents.

Parent and parent advocate groups –

- Make active effort to become informed of their rights. Seek the assistance of other parents and of parent advisory councils where they are established, in order to gain that information.
- Form coalitions to bring together organizations of parents of children with different handicapping conditions, and work together in the interests of the children with anyone who serves those children — bus drivers, cooks, teachers, administrators and medical personnel.
- Diligently exert firm, positive pressure wherever needed in form of constructive recommendations to federal agencies, local and intermediate educational agencies and their governing bodies, NEA and other relevant organizations, higher education institutions involved in teacher education, professional organizations of any support personnel (such as physical therapy associations, etc.), local taxing bodies, local school

transportation companies, local school boards, administrators, and teachers.

- Establish specific goals and objectives of the parent coalition to include the following:

  To promote better understanding of measures that will prevent handicapping conditions (nutrition, prenatal care, immunization, and early diagnosis).

  To encourage the education community to develop testing devices and other diagnostic tools that will permit nondiscriminatory evaluation of all children.

  To encourage coordination of all services by the state education agency.

  To encourage better teacher preparation (initial and inservice education).

  To form a positive bond with teaching professionals and forge a coalition that will seek full implementation of P.L. 94-142.

  To promote removal of barriers of architecture, attitude, language, and culture.

- Establish and publicize the ultimate goal: improvement of quality of public education for *all* children.

School Finance

It should be apparent that when new educational programs are introduced and not adequately funded, a danger is that there will be competition between various education groups over the woefully inadequate education dollar. Different education groups cannot afford such competition. And it was never more important than now to establish close cooperation between general and special education, for their interdependence has been firmly established with passage of the Education for All Handicapped Children Act.

The NEA panel recommends that:

All groups concerned with the education of handicapped children – the NEA and its state and local affiliates, national, state, and local handicapped advocate groups, school boards and administrative organizations, as well as state and local education agencies –

- Work together to lobby for greatly increased levels of funding for P.L. 94-142 from the U.S. Congress and from state legislatures.

Recommendations for Federal Education Organization

Just as the Education for All Handicapped Children Act has the potential to bring order and coherence out of the disorder and fragmentation of services to handicapped children within the several states, so would the establishment of a Cabinet level Department of Education have the capacity to establish a more coherent and effective program of federal education services.

The NEA panel urges the United States Congress to establish a Cabinet level Department of Education and to place under its jurisdiction all education-related services of all federal agencies.

Finally, the panel recommends that P.L. 94-142 be amended to earmark monies for handicapped migrant children and, further, that these earmarked monies be coordinated with the Migrant Branch of the Office of Education, which has the capability to reach migrant worker families.

"Do not expect my child to look up into my face
and say what he wants – I must look down into his face
and say – what do you need . . . "

– Parent of a handicapped child

APPENDIX A

Steering Committees

The NEA panel acknowledges with appreciation the assistance afforded this study by the steering committees established in each study location.

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APPENDIX B

Glossary

NOTE: The following terms include those in most common general use and those used at the various study locations.

EMR Educable mentally retarded
EMH Educable mentally handicapped
TMR Trainable mentally retarded
TMH Trainable mentally handicapped
ED Emotionally disturbed
EH Educationally handicapped
LD Learning disabled; learning disabilities
PH Physically handicapped
LH Learning handicapped
CH Communicatively handicapped
SH Severely handicapped
SLD Specific learning disabilities
BD Behaviorally disordered; behavior disorders
DD Developmentally disabled
HI Hearing impaired
VI Visually impaired
MH Multiple-handicapped, or multihandicapped
OI Orthopedically impaired

Definitions

Developmental disability

- a disability that is attributable to mental retardation, cerebral palsy, epilepsy, or autism, or any other similar impairment which originates before age 18, is expected to continue indefinitely, and is a substantial handicap to the person's ability to function normally in society. (as defined by Development Disabilities Technical Assistance System, Chapel Hill, North Carolina, 1978)

Multiple-handicapped

- concomitant impairments (such as mentally retarded-blind, mentally retarded-orthopedically impaired, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children.

Orthopedically impaired*

- a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g. poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g. cerebral palsy, amputations, and fractures or burns which cause contractures).

Specific learning disability*

- a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunctions, dyslexia, and developmental asphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, or mental retardation, or of environmental, cultural, or economic disadvantage.

Mentally retarded*

- significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.

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* As defined in HEW Rules and Regulations for Implementation of Part B of The Education for All Handicapped Children Act (P.L. 94-142).